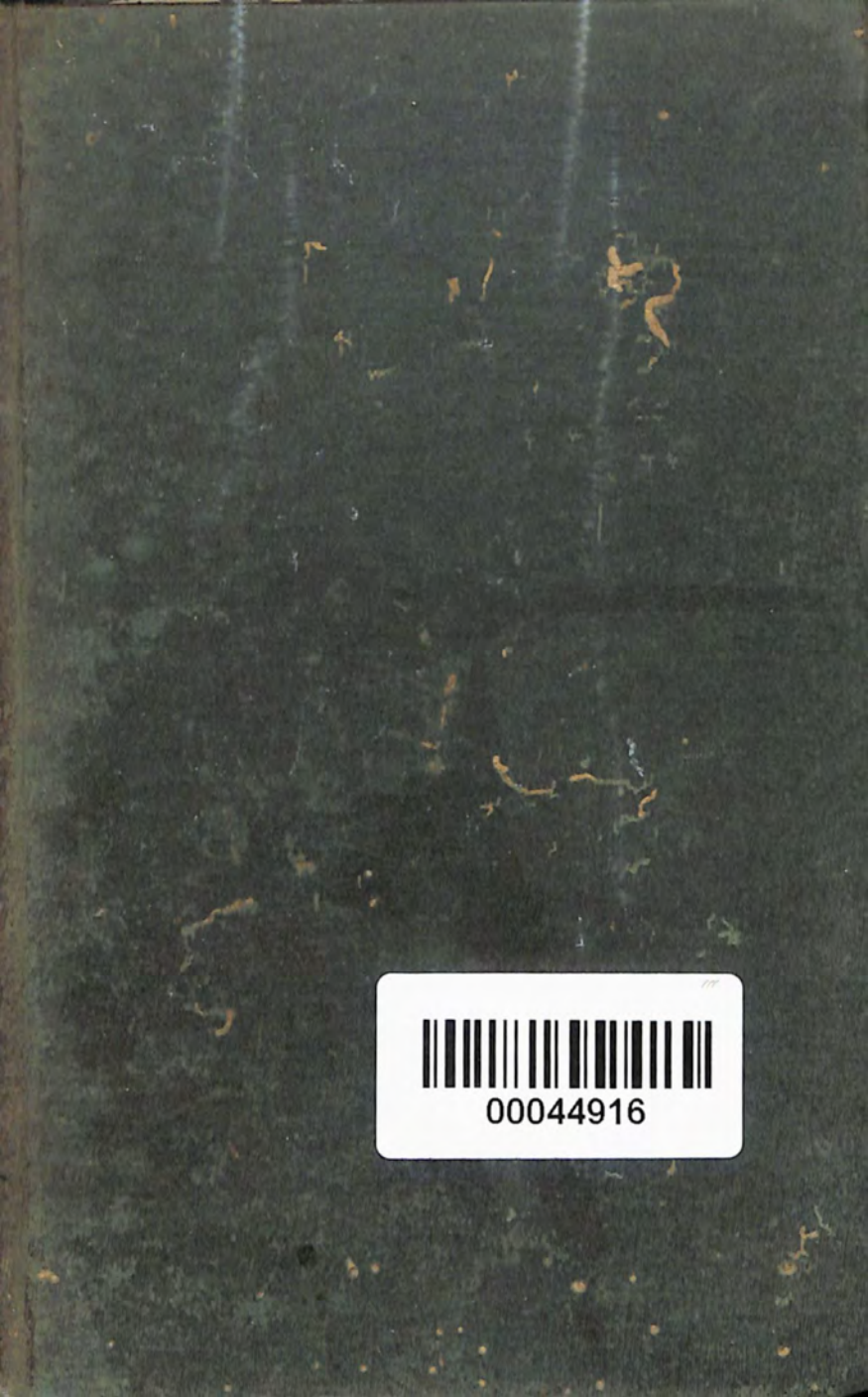
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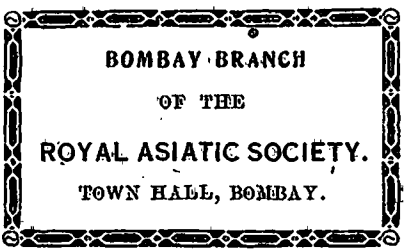

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HISTORICAL

AND

BIOGRAPHICAL ESSAYS.

BY

JOHN FORSTER.

44916

IN TWO VOLUMES. VOL. I.

HISTORICAL.

THE DEBATES ON THE GRAND REMONSTRANCE, 1641.
THE PLANTAGENETS AND THE TUDORS.
THE CIVIL WARS AND OLIVER CROMWELL.

LONDON:
JOHN MURRAY, ALBEMARLE STREET.
1858.

904
Fox/His
44916

LONDON:
BRADBURY AND EVANS, PRINTERS, WHITEFRIARS.

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PREFACE.

Of the Historical Essays contained in these volumes, the first and the second have not before been printed; and the third, published two years ago in the *Edinburgh Review*, appears with some important additions rendering it so far a new illustration of the period to which it relates, that I have ventured to think I might here reproduce it with Essays having more exclusively the pretension and purpose of making original contribution to history.

Of the Biographical Essays, two have been published in the *Edinburgh Review*, and two in the *Quarterly Review;* but all, as they are now printed, have received large additions and careful revision. Not for this should I have presumed, however, to give them a form less dependant and more accessible than that of the distinguished periodicals in which they appeared originally. A more numerous issue of volumes from the press is not among the wants of the time. But from the first

these Essays were independent biographical studies, and not reviews in the ordinary sense. Such information and opinions as they embodied were their own; and their design was to supply, in a compact original form, what it seemed very desirable to possess, but impossible elsewhere to obtain, upon the particular subjects treated.

The many additions in the present publication are meant to give to that design greater scope and fullness. They are most considerable in the memoirs of STEELE and FOOTE; and in the latter more especially an attempt by means of them has been made to render more complete the picture of a series of comic writings, which are not more remarkable for character and wit than for their vivid and humorous presentment of English vices and foibles in the later half of the eighteenth century, but which accidental causes may probably for ever shut out from the place they might have claimed to occupy in the literature of England.

MONTAGU SQUARE,
April 1858.

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Facsimile of two pages of D'Ewes's Journal, from the original MS in the British Museum.

THE DEBATES ON THE GRAND REMONSTRANCE.

NOVEMBER AND DECEMBER, 1641.

If the question were put to any thoroughly informed student of our Great Civil War, into what single incident of the period before the actual outbreak would appear to have been concentrated the largest amount of party passion, he could hardly fail at once to single out the Grand Remonstrance. And if he were then asked to name, out of all the party encounters of the time, that of which the subject matter and antecedents have been most unaccountably slurred over by historians, he must perforce give the same answer. It follows that the writers of history have in this case thought of small importance what the men whose deeds they record accounted to be of the greatest, and it will be worth inquiring how far the later verdict is just.

Happily, the means exist of forming a judgment as to the particular subject, on grounds not altogether uncertain or unsafe. The Grand Remonstrance itself remains. Under masses of dull and lifeless matter heaped up in Rushworth's ponderous folios, it has lain undisturbed for more than two centuries; but it lives still, even there, for those who care to study its contents, and they who so long have turned away from it unstudied, may at least plead the excuse of the dreary and deterring companionship around it. The truth, however, is, that to the art and disingenuousness of Clarendon it is really due, in this

instance as in so many others, that those who have written on the conflict of parties before the civil war broke out, have been led off to a false issue. He was too near the time of the Remonstrance when he wrote, and he had played too eager a part in the attempt to obstruct and prevent its publication to the people, not to give it prominence in his History; but he found it easier to falsify and misrepresent the debates concerning it, of which there was no published record, than to pass altogether in silence the statements made in it, diffused as they had been, some score of years earlier, over the length and breadth of the land. Indeed it also better served the purpose he had, so to garble and misquote these; and from the fragment of a summary he gave, filling some six pages of the octavo edition of his book, Hume and the historians of the last century derived manifestly the whole of what they knew of the Grand Remonstrance. But even the more careful and less prejudiced historians of our own century have not shown that they knew much more.

Upon the debate in the house before it was put to the vote, as referred to by Hyde, all writers have dwelt; and of course every one has copied and reproduced those graphic touches of Philip Warwick, the young courtier and follower of Hyde, in which he gives his version of what the Remonstrance was, how it originated, and what an exciting debate it led to. How some leading men in the house, as he says, jealous of the proposed entertainment to be given by the City to the King on his return from Scotland, had got up an entertainment of their own in the shape of a libel (the Remonstrance, that is), than which fouler or blacker could not be imagined, against his person and government; and how it passed so tumultuously, two or three nights before the King came to town, that at three o'clock in that November morning when they voted it, he thought they would all have sat in the Valley of the Shadow of Death; for they would, like Joab's and Abner's young men, all have catched at each other's locks, and sheathed their swords in each other's

bowels, had not the sagacity and great calmness of Mr. Hampden, by a short speech, prevented it, and led them to defer their angry debate until the next morning.[1] Doubtless a scene to be remembered, and which naturally has attracted all attentions since; but that, out of the many who have so adopted it, and from the mere reading it felt some share in the excitement it pourtrays, not one should have been moved to make closer inquiry into what the so-called "libel" really was that so had roused and maddened the partizans of the King, may fairly be matter of surprise. Hallam is content to give some eight or nine lines to it, in which its contents are not fairly represented. Lingard disposes of it in something less than a dozen lines. Macaulay has only occasion incidentally to introduce it, and a simple mention of it is all that falls within the plan of Carlyle. Godwin passes over it in silence; and such few lines as Disraeli (in his Commentaries) vouchsafes to it, are an entire mis-statement of its circumstances and falsification of its contents. It is not necessary to advert specifically to other histories and writings connected with the period; but the assertion may be confidently made, that in all the number there is not one, whatever its indications of research and originality in other directions may be, which presents reasonable evidence of any better or more intimate knowledge of the Great Remonstrance than was derivable from the garbled page of Clarendon.

Yet, as I have said, this State Paper remains a fact living and accessible to us: a solid piece of actual history, retaining the form which its authors gave to it, and breathing still some part of the life which animated them. It embodies the case of the Parliament against the Ministers of the King. It is the most authentic statement ever put forth of the wrongs endured by all classes of the English people, during the first fifteen years of the reign of Charles

[1] *Memoires of the Reign of King Charles I*, by Sir Philip Warwick, Knight. Ed. 1702. P. 201-2.

the First; and, for that reason, the most complete justification upon record of the Great Rebellion. It describes the condition of the three kingdoms at the time when the Long Parliament met, and the measures taken thereon to redress still remediable wrongs, and deal out justice on their authors. Enumerating the statutes passed at the same time for the good of the subject, and his safety in future years, it points out what yet waited to be done to complete that necessary work, and the grave obstructions that had arisen, in each of the three kingdoms, to intercept its completion. It warns the people of dangerous and desperate intrigues to recover ascendancy for the court faction; hints not obscurely at serious defections in progress, even from the popular phalanx; accuses the bishops of a design to Romanize the English Church; denounces the effects of ill counsels in Scotland and Ireland; and calls upon the King to dismiss evil counsellors. It is, in brief, an appeal to the country; consisting, on the one hand, of a dignified assertion of the power of the House of Commons in re-establishing the public liberties, and, on the other, of an urgent representation of its powerlessness either to protect the future or save the past, without immediate present support against papists and their favourers in the House of Lords, and their unscrupulous partizans near the throne. There is in it, nevertheless, not a word of disrespect to the person or the just privilege of royalty; and nothing that the fair supporters of a sound Church Establishment might not frankly have approved and accepted. Of all the State Papers of the period, it is in these points much the most remarkable; nor, without very carefully reading it, is it easy to understand rightly, or with any exactness, either the issue challenged by the King when he unfurled his standard, or the objects and desires of the men who led the House of Commons up to the actual breaking out of the war.

Essential as the study of it is, however, to any true comprehension of this eventful time, the difficulty of reproducing it in modern history must doubtless be

admitted. It is not merely that it occupies fifteen of Rushworth's closely printed folio pages, but that, in special portions of its argument, it passes with warmth and rapidity through an extraordinary variety of subjects, of which the connection has ceased to be always immediately apparent. Matters are touched too lightly for easy comprehension now, which but to name, then, was to strike a chord that every breast responded to. Some subjects also have a large place, to which only a near acquaintance with party names and themes can assign their just importance, either as affecting each other, or making stronger the ultimate and wider appeal which by their means was designed. The very heat and urgency of tone, the quick impatience of allusion, the minute subdivision of details, the passionate iteration of topics, everything that made its narrative so intense and powerful once, and gives it in a certain sense its vividness and reality still, constitutes at the same time the difficulty of presenting it in such an abstract, careful and connected yet compressed, as would admit of reproduction here. It will be well worth while, nevertheless, to make the trial; which, however short it may fall of success in the particular matter, may have some historical value independently. For, by the use of manuscript records as yet unemployed by any writer or historian, it will be possible to illustrate the abstract to be given of the Remonstrance, by an account of the Debates respecting it in the House of Commons, and these with relation as well to itself as to its antecedents and consequences, far more interesting, because more minute and faithful, than any heretofore given to the world. And in this there will be the undoubted additional advantage, that thereby will be supplied a not inefficient test for Clarendon's accuracy and honesty of statement in the most critical part of his narrative of these affairs.

But first, to establish for myself the claim it is proposed to dispute in others, it will be necessary to state the authority from which the most part of the

facts given in this paper are derived, and now first contributed to history. They are the result of much tedious and painful research into the blotted manuscripts of Sir Simonds D'Ewes, preserved in five bound volumes in the British Museum, and entitled, "A Journal "of the Parliament begun November 3d, Tuesday, Anno "Domini 1640." To the existence of such a journal attention has been lately drawn more than once by allusions in Mr. Carlyle's writings in connection with Cromwell;[1] and from a manuscript abstract made for him when he contemplated writing a History of the Puritans (a project he unhappily abandoned), a very interesting notice of D'Ewes, with some account of his Journal, was written twelve years ago in the *Edinburgh Review*.[2] Mr. Carlyle kindly placed this manuscript at my disposal on my commencing, some years since, at the request of the Messrs. Longman, what I have found to be the not very easy task of preparing for a library edition, and making worthier of the favour extended to it, a work entitled *The Statesmen of the Commonwealth* written several years before. On comparing, however, its abstract of D'Ewes with the original, it proved to be so entirely imperfect and deficient even as an index to the larger collections, that there was no alter-

[1] "We call these Notes the most "interesting of all manuscripts. To "an English soul who would under- "stand what was really memorable "and godlike in the History of his "country, distinguishing the same "from what was at bottom *un*- "memorable and devil-like; who "would bear in everlasting remem- "brance the doings of our noble heroic "men, and sink into everlasting "oblivion the doings of our low ignoble "quacks and sham-heroes, — what "other record can be so precious?"— Carlyle's *Miscellanies*, iv. 338-9.

[2] For July, 1846. I do not betray any confidence in stating that this paper was by that very learned and agreeable writer, Mr. John Bruce, whose description of D'Ewes's original manuscript may here be subjoined, in confirmation of what is said in the text. "For some part of the "time, the Notes have been copied "and written out in a narrative form, "in a respectable hand; in other "places, we have nothing but the "rough jottings-down of D'Ewes's "own pen. At first, when we begin to "read them, all is obscurity, as dull "and dense as that which overclouds "the pages of Rushworth, Nalson, "and the Journals; but as we go "on, the mist gradually grows less "dense,—rays of light dart in here "and there, illuminating the palpable "obscure; and in the end, after much "plodding, and the exercise of infinite "patience, we may come to know the "Long Parliament as thoroughly as if "we had sat in it."

native but to begin the research anew. I soon found, indeed, that without strictly honest and earnest examination of D'Ewes's actual handwriting, it was impossible to make anything of his Journal. Whatever in it is most valuable, is in the roughest blurred condition; written often on the backs of letters, mere *disjecta membra* of Notes for a Diary, often all but illegible, now and then entirely so; and the reader will better understand the full force of this remark who turns to the careful facsimile made for me of two of its pages, and given as an illustration to the present volume. Many portions, certainly, are more legibly written, a secretary or transcriber having been called in for the purpose; but these are found upon examination to be also the less valuable, consisting often of illustrations drawn from contemporaneous printed records, of prodigiously lengthy expansions of somewhat silly orations by D'Ewes himself, or of extracts from the Journals or other documents supplied by the Clerk of the House. On the other hand, wherever the blotted writing of D'Ewes recurs, there springs up again the actual and still living record of what he had himself heard, and himself noted down, with pen and ink, as he sat in that memorable parliament;[1] and these Notes, extend-

[1] I quote a passage from the original manuscript under date November 13th, 1641. The plea and demurrer put in by the bishops was then in debate, and Mr. Holborne, member for St. Michaels, was speaking. "I "was then about to withdraw a little "out of the house, and went down "as far as the place where he was "speaking; and finding a seat empty "almost just behind him, I sat down, "thinking to have heard him a little, "before I had gone out. But finding "him endeavour to justify the plea "and demurrer, I drew out again "my pen and ink, and took notes, "intending to answer him again as "soon as he had done." Between four and five months later (March 5, 1641-2) a special instance occurred of the jealousy very frequently exhibited by members of the house in regard to the practice of note-taking. Sir Edward Alford, member for Arundel, had been observed taking notes of a proposed Declaration moved by Pym. Sir Walter Earle, member for Weymouth, upon this objected that he had seen "some at the lower "end comparing their notes, and one "of them had gone out." Alford was thereupon called back, and his notes required to be given up to the Speaker. D'Ewes then continues— "Sir Henry Vane senr. sitting at "that time next me, said he could "remember when no man was allowed "to take notes, and wished it to be "now forbidden. Which occasioned "me, being the principal note-taker

ing from 1640 to 1645, and in which the fourth or fifth of those years is found jumbled up with the first, second, or third, the one perhaps written on the reverse of the other, have been thrown together and bound with such equally small regard to succinct arrangement, that the record of the same week's debates may occasionally have to be sought through more than one, or even two volumes. The pages elsewhere facsimiled, which express fairly the condition of the rest, were selected not for that reason, but because they were found to contain a fact of such great historical importance, and to set at rest, in a manner so startling and unexpected, discussions relating to it which have divided the writers of history,[1] that it seemed desirable to present them in a specially authentic form. Yet these very pages were found entirely separated from the volume containing the main part of the debates of which they form the connected portion, and mixed up with the quite disconnected records of three years later. All this, at the same time, while it explains the obscurity in which D'Ewes's Notes have until now been permitted to rest, gives us also striking proof of the genuineness of the record. For that reason only it has been dwelt on here. The reader, who now returns with me to the subject of the Great Remonstrance, will have less reason to doubt the scrupulous veracity of what is here contributed to its illustration.

Nowhere does the author of the *History of the Rebellion* affect such particularity of detail as in describing the various incidents and circumstances of the discussion of this Remonstrance. It was indeed, to the party of which he then first assumed the lead in the house, as to

"in the house, to say, &c. That the "practice existed before he was born. "For I had a Journal, 13th Eliza- "beth. For my part I shall not com- "municate my journal (by which I "meant the entire copy of it) to any "man living. If you will not permit "us to write, we must go to sleep, as "some among us do, or go to plays, "as others have done."

[1] This discovery is mentioned and described, *post*, in the remarks on the Bill of Attainder against Strafford, at the opening of the Third Essay (on the Civil Wars and Cromwell) in this volume.

their opponents, the critical moment of their career. It was, to both, the turning point of all they had done heretofore, or might hope to do hereafter. Falkland told his friend Hyde that as he and Cromwell left the house together, immediately after the last division, the member for Cambridge said to him, that, if it had gone against them in that vote, he and many other honest men he knew would have sold all they had the next morning, and never have seen England more; and, without too readily accepting this anecdote, or thinking "the poor kingdom," as Mr. Hyde phrases it, to have been half so near to its deliverance in that particular as he affects to believe, it would be impossible to overstate the gravity, to both parties, of the issue depending on the vote which had just been taken.

Immediately after the execution of Strafford, which Hyde and his associates helped more largely than any other section of the House to accomplish,[1] they began steadily and secretly to employ every artifice, and all the advantages which their position in the Commons gave them, to bring about a reaction favourable to the King. The one formidable obstacle had been removed, by Strafford's death, to their own entry into Charles's counsels; and without further guarantees for the security of any one concession they had wrested from the Crown, they were prepared to halt where they stood, or even (as in the case of the Episcopacy Bill) to recede from ground they had taken up.[2] Nor was it to be doubted that the

[1] The discovery to be hereafter described, and to which I have alluded in connection with the fac-simile from D'Ewes's Notes, places this fact beyond further doubt or question.

[2] Richard Baxter (*Reliq. Baxt.* 19) has attributed "the first breach "among themselves" to the desire on the part of "Lord Falkland, the "Lord Digby, and divers other able "men," to gratify the King "by "sparing Strafford's life." But Baxter wrote long after the event, and was very imperfectly informed. Neither Falkland nor Hyde had at any time a friendly feeling to Lord Digby, and though a difference no doubt arose as to the Bill of Attainder, the principal seceders who went with Digby on that question were lawyers, such as Selden, Holborne, and Bridgman, who went with him on no other; and undoubtedly the men who took afterwards the lead in forming a king's party, such as Falkland and Culpeper

plan had some chances of success, in the particular time when it was tried. From the moment the Impeachment was carried against Strafford, those old relative positions of King and House of Commons, which, in the memory of living men, had existed as if unchangeably, were suddenly reversed. There was not a Parliament in the preceding reign that James had not lectured, as a schoolmaster his refractory pupils; nor any in the existing reign that Charles had not bullied, as a tyrant his refractory slaves. But this was gone. The King was now, to all appearance, the weaker party, and the House of Commons was the stronger; and how readily sympathy is attracted to those who are weak, however much in the wrong, and how apt to fall away from the strong, however clearly in the right, it does not need to say. The popular leaders became conscious of daily defections from their ranks; the House of Lords unexpectedly deserted them, on questions in which they had embarked in unison; the Army was entirely unsafe; and opinions began to be busily put about, that enough had been conceded by the King, and that the demand for more would be ungenerous.

Never had a great cause been in peril more extreme. For most thoroughly was the character of their adversary known to its chiefs, and that not a single measure of redress had been extorted from him which was not yielded in the secret hope of finding early occasion to reclaim it. Strafford could not be raised from the dead, and therefore only had the concession in his case been obtained with greater difficulty than in the rest. The army had been widely tampered with; to save the bishops and their bishopricks, the universities were moving heaven and earth;[1] reliance could no longer be placed upon the

(whom Selden refused to join), had taken the lead in promoting the Bill of Attainder. I am now, indeed, in possession of evidence to show that when the liberal leaders, who to this hour are supposed to have originated and most hotly urged forward the Bill, were in reality opposing it, and bent only on continuing and closing by way of impeachment, Culpeper and Falkland strenuously advocated the procedure by Bill.

[1] "Bishops had been much lifted "at," says May (lib. i. cap. ix),

Lords; concurrently with many signs of treachery in the Commons themselves, were seen evidences elsewhere as dangerous of the return of an unreasoning confidence in the King; even in the city, the stronghold of liberal councils, a noted royalist had been able to carry his election as lord mayor; and the patriots could not hope that their power, or their opportunities, would survive any real abatement of zeal or enthusiasm in the people. It is more wearing to the patience to wait for the redress that is really near, than for what is wholly uncertain and remote; and those who had bravely and silently endured the wrongs of fifteen years without a parliament, were ready to resent a delay of half as many months in the reliefs which parliament had promised them.[1] With such a semblance of amended administration, therefore, and such pretences of half popular measures, as the ingenuity of Hyde could furnish, if Charles could be brought to concede even so much, there was yet the means of striking a heavy blow for recovery of the old prerogative.

"though not yet taken away, whereby "a great party whose livelihood and "fortunes depended on them, and "far more whose hopes of prefer- "ment looked that way (most of the "Clergy, and both the Universities), "began to be daily more disaffected "to the Parliament; complaining "that all rewards of learning would "be taken away. Which wrought "deeply in the hearts of the young "and most ambitious of that coat."

[1] This point is admirably touched by the historian May. "Some are "taken off" (weaned from Parliament, he means) "by time and their own "inconstancy, when they have looked "for quicker redress of grievances "than the great concurrence of so "many weighty businesses can pos- "sibly admit in a long discontinued "and reforming Parliament, how "industrious soever they be, dis- "tracted with so great a variety. "Those people, after some time spent, "grew weary again of what before "they had so long wished to see; "not considering that a prince, if he "be averse from such a Parliament, "can find power enough to retard "their proceedings, and keep off for "a long time the cure of the State. "When that happens, the people, "tired with expectation of such a "cure, do usually by degrees forget "the sharpness of those diseases "which before required it; or else— "in the redressing of so many and "long disorders, and to secure them "for the future, there being for the "most part a necessity of laying "heavy taxes, and draining of much "money from the people—they grow "extremely sensible of that present "smart; feeling more pain by the "cure, for a time, than they did by "the lingering disease before; and "not considering that the causes of "all which they now endure were "precedent, and their present suffer- "ing is for their future security."— Lib. i. cap. ix. 115.

Nor were nearer dangers wanting. Pym's life had been aimed at repeatedly; and more than one attempt had been tried to overawe deliberation by the display of force. Something was in peril beyond the abstract freedom of parliament or debate; nor was it more to secure the permanence of provisions already achieved for the public liberty, than to guard against sudden substitution of a naked despotism, that the parliamentary chiefs were now called to defend their position, or to abandon it for ever.

They were not men to hesitate, and they resolved upon an Appeal to the People in a more direct form than had ever yet been attempted. Within a week after the House first met, a committee had been moved for by Lord Digby, in a most passionate speech, to "draw up such a Remonstrance to the King as should be a faithful and lively "representation of the deplorable state of the kingdom, and "such as might discover the pernicious authors of it," and the proposal had been adopted in a modified and more moderate form, wherein it will be found on the Journals (ii. 25), of "some such way of Declaration as may be a "faithful representation *to this House* of the estate of the "kingdom;" all the leading men of the house being members of the committee, and Lord Digby its chairman. This design, superseded for the time by matters of more pressing moment, and whose originator had in the interval become the hottest partizan of the King, was now revived. Charles received warning of it before he departed for Scotland, on that mission which has since been shown to have had no object so eagerly desired as to gather supposed proofs on which to build a charge of treason against Pym and Hampden. Archbishop Williams, for purposes of his own, had intercourse with a servant of Pym's, and did not scruple to tell the King how that he had learned, from this worthy, what had been going on in his master's house. Some of the Commons were preparing a Declaration to make the actions of his Majesty's government odious, and he had better try to conciliate them before he went. All this pains of the Archbishop, however, might have been

spared. There was, from the first, no attempt to conceal the revival of the Declaration, or, as Lord Digby had suggested it should be called, the Remonstrance. It stood among the orders of the House, as part of the business to be done. Portions of it had certainly been under discussion before the members rose for the recess. We have evidence that at the close of July, during the excitements of the enquiry into the army plot, the committee to whom it had been referred had it under deliberation; and a peremptory order was made in August,[1] during the excitement caused by the King's resolute persistence in then departing for Scotland, that by a particular day the Remonstrance of the state of the kingdom and the church[2] was to be brought in. What its promoters prudently concealed, or, to speak perhaps more correctly, had not yet finally settled, was the particular manner in which they proposed to make use of it.

The parliamentary recess, during which Pym sat as chairman of a committee having absolute powers to conduct business in the interval, lasted from the 9th of September, when the House did not rise until nine o'clock at night, to the morning of the 20th of October. On that day the members reassembled; but great gaps were seen in their ranks, and it became obvious, as week followed week without supplying these deficiencies, that the average of attendance had considerably diminished. Lord Clarendon, though he hesitates expressly to say so, would have us assume that the King's party suffered most by this falling off; but the assumption is hardly reconcileable with the strenuous exertions of the patriots to compel a more full attendance. It appears from the D'Ewes manuscript that

[1] I quote Sir Ralph Verney's *Notes of the Long Parliament*. Saturday, 7th August, 1641: After mention that order had been taken for a "peremptory" call of the House (great apprehension prevailed at the moment as to the King's obstinate persistence in going to Scotland, and on this Saturday both Houses sat until 10 at night, unable to settle upon any satisfactory course), the following entry appears:

"A REMONSTRANCE to be made, "how we found the kingdom and the "church, and how the state of it "now stands." P. 113.

[2] So styled in the Commons' Journals (ii. 234).

Strode went even so far, some two months after the recess, as to propose to fine a member £50, or expel him, if he persisted in absence without leave; and when suggestion was made on the King's behalf from Edinburgh, for the issue of a proclamation requiring full attendance of all the members of the house, the Lord Keeper and Chief Justice Bankes were against it, as unseasonable. The truth seems to have been, that the defection comprised generally the class of not very settled opinions which had hitherto sided mostly with the strongest; and that its manifestation at this critical time, bringing new proof of influences at work as well within as without the house, to weaken the power of its leaders, furnished also a more complete justification, if that were needed, of the course on which they had resolved.

Nor had they assembled many hours before darker warnings gathered in upon them. Hampden was still in Scotland, nominally as a commissioner on the Scotch debt, but really to watch the King's proceedings there; and Pym, after narrating his discovery of Goring's plot, and the serious evidences existing of another widely spread army conspiracy, handed in letters from the member for Bucks which had reached the committee the previous day by an express, detailing the scheme just discovered at Edinburgh for the assassination of the leaders of the Covenant.[1] The

[1] Clarendon says explicitly that Montrose, while professing to be able to satisfy the King of the treason of Argyle and the Hamiltons, advised the more certain and expeditious mode of disposing of them by assassination, which he "frankly under-"took to do" (*Hist.* ii. 17). The noble historian adds that the King "abhor-"red that expedient," but unhappily even he is not able to deny that the King continued his regard and confidence to the man who had suggested it. From the manuscript records of these proceedings of the Long Parliament which are before me as I write, I find that Pym, so early as this 30th October, appears to have been thoroughly conscious of what had been going on in Edinburgh. In the course of his elaborate statement of the circumstances of "a new design now lately, "again to make use of the army "against us," he has occasion to advert also to the fact that "secret "forces were ready in some places, "and secret meetings had been in "Hampshire by sundry great recu-"sants;" and with this he couples a warning "that the Prince" (afterwards Charles II.) "who was ap-"pointed to be at Richmond, was "often at Oatlands with the Queen, "and away from the Marquis of

entire contents of these letters were not divulged: but, on the further statement then made by Pym, resolutions were passed for immediate conference with the Lords on the safety of the parliament and kingdom; instructions were given for occupation, with a strong force, of all the military posts of the city; and the train-bands of London were ordered up to guard the two Houses by night as well as by day. That was on the morning of the 20th of October; and in the evening, Edward Nicholas,[1] so soon to be knighted and made Secretary of State in place of Windebank, and who now sat for Newton in Hants, keeping the signet during Charles's absence in Edinburgh, wrote to the King that some well-affected parliament men had been with him that day in great trouble, in consequence of news from Scotland, and that he had not been able to calm their anxiety.[2] As the days passed on, and new light was thrown on the equivocal position of the King with the promoters of the league against Argyle and the Hamiltons, this cause for trouble to the "well-affected" did not diminish. In a second letter, his Majesty is told how much his servants in the house are disheartened to be kept so long in darkness. In a third, he has further notification of the great pain which is caused by his silence. Nevertheless, that most significant silence continued.

Hampden followed soon after his letters, leaving his

"Hertford his Governor, for whom "there were no convenient lodgings "at Oatlands." Then, after a certain break, these remarkable words follow: "*That he feared the conspiracy went round, and was in Scotland as well as England.*"

[1] An able and a moderate man, who served his master faithfully, and (rarest of qualities in a King's servant then) not unwisely. Clarendon describes him, in one of the suppressed passages of his History, as "one of "the Clerks of the Council, who had "been Secretary to the Duke of "Buckingham for the Maritime Affairs, a man of good experience, "and of a very good reputation" (ii. 600). The King made him Secretary of State as soon as he returned from Scotland. See Clarendon's *Life*, i. 94.

[2] "The next day after the receipt "of the letters," says Clarendon (ii. 579), "the Earls of Essex and Hol- "land sadly told me, that I might "clearly discern the indirect way of "the Court, and how odious all "honest men grew to them."

fellow commissioners[1] in Edinburgh, and arrived in London while the newly introduced bill to take away the bishops' votes in the other house was under discussion. The well-affected parliament men, as Secretary Nicholas calls them, were now acting as a compact body, and not scrupling to avow the new tactics that governed them. "I am sorry," said Hampden, "to find a noble "lord has changed his opinion since the time the last bill "to this purpose passed the House; for he then thought "it a good bill, but now he thinketh this an ill one." "Truly," replied Lord Falkland, "I was persuaded at "that time, by the worthy gentleman who hath spoken, to "believe many things which I have since found to be "untrue; and, therefore, I have changed my opinion in "many particulars, as well as to things as persons."

This was at least fair warning. On whichever side might be found to lie ultimately the right or the wrong, here was at any rate an end to that phalanx which had brought Strafford to the scaffold, lodged Laud in the Tower, and driven Finch and Windebank into exile; which had condemned ship-money, impeached the judges who gave it their sanction, and dragged one of them in open court from the seat his injustice had polluted;[2] which had passed the triennial bill, and voted as unlawful every tax upon the subject imposed without consent of the House of Commons; which had abolished all jurisdictions that reared themselves above the law; and before whose unshrinking, compact array, alike the petty and the mighty instrument of wrong had fallen, the Stannary Courts and

[1] The Hon. Nathaniel Fiennes, Lord Say and Seale's second son, member for Banbury; and Sir Philip Stapleton, member for Boroughbridge.

[2] I quote from Whitelocke's *Memorials* (p. 40, Ed. 1732). "February 13, 1640. Sir Robert "Berkley, one of the Judges of the "King's Bench, who gave his opinion "for Ship money, was impeached by "the Commons of High Treason, in "the Lords' House, and, by their "command, Maxwell, the Usher of "the Black Rod, came to the King's "Bench when the Judges were sitting, "took Judge Berkley from off the "Bench, and carried him away to "prison, which struck a great terrour "in the rest of his brethren then sitting in Westminster Hall, and in "all his profession."

the Court of York, the Star Chamber, and the High Commission. In not one of these retributive or reformatory acts, had the party of Hyde and Falkland wavered in the least; in many, they had outstripped even Denzil Holles, Cromwell, Hampden, and Pym. But they now did not hesitate to give out, as in Falkland's reproach to Hampden, that unfounded inducements had been addressed to them; and that this justified their instant desertion, as well of the principles they had acted on, as of the men they so long had acted with. What the alleged misrepresentations were, has never been explained. But it is certain that not an attempt was made by them, before they passed into opposition against their old associates, to obtain a single security for the King's better faith as to any one transaction of the year during which they had ranked as his opponents. Still in all respects unaltered, save that Strafford stood no longer by his side, at least Charles the First cannot be accused of having tempted these men. Their names, and their exertions in debate, are submitted by Secretary Nicholas to his master, with a request for due encouragement to such service, in the very letters which bear evidence of Charles's continued hatred of the Cause of which they had been the defenders, and were now the betrayers. There is hardly an interchange of confidence at this date between Edinburgh and Whitehall, in which there is not either news of some fresh supposed danger to the parliamentary leaders received with unconcealed satisfaction, or the suggestion of some plot or intrigue against them thrown out with eager hope. If they had flinched or wavered for a moment, all that they had gained must at once have passed from their keeping. Happily for their own fame, more happily for our peaceful enjoyment of the fruits of their desperate struggle, they stood quiet and undismayed under every danger and every form of temptation.

Some days before the reassembling of the House, great sickness had broken out in London; the plague had reappeared in some quarters; and the occasion had been

seized for an intrigue to stay the reassembling, or to procure at least an adjournment of place if not of time. It is a leading topic in several letters from Secretary Nicholas to the King. At first he is full of hope, describing the spread of the plague and the shutting up of infected houses around Westminster, and confidently anticipating that adjournment in some form must be resorted to, so rife and dangerous the sickness grows. But after three days he has to change his tone, and to tell the King that "Mr. Pym" and those of his party will not hear that parliament shall not be held, or shall meet anywhere but in London or Westminster. It met, as we have seen; and Mr. Pym, five days after the meeting, received very decisive intimation of the temper with which the King's partizans out of doors now regarded him.

He was sitting in his usual place, on the right hand beyond the members' gallery, near the bar, on the 25th of October, when, in the midst of debate on a proposition he had submitted for allowance of "powder and bullet" to the City Guard, a letter was brought to him. The Serjeant of the House had received it from a messenger at the door, to whom a gentleman on horseback in a grey coat had given it that morning on Fish-street-hill; with a gift of a shilling, and injunction to deliver it with great care and speed. As Pym opened the letter, something dropped out of it on the floor; but without giving heed to this he read to himself a few words, and then, holding up the paper, called out it was a scandalous libel. Hereupon it was carried up to the lately-appointed Clerk's Assistant, Mr. John Rushworth, who, in his unmoved way, read aloud its abuse of the great leader of the house, and its asseveration that if he should escape the present attempt, the writer had a dagger prepared for him. At this point, however, young Mr. Rushworth would seem to have lost his coolness, for he read the next few lines in an agitated way. They explained what had dropped from the letter. It was a rag that had covered a plague-wound, sent in the hope that infection might by such means be borne to him

who opened it. "Whereupon," says the eye-witness, from whose report the incident is now first related as it really happened, "the said clerk's assistant having "read so far, threw down the letter into the house; and "so it was spurned away out of the door." Its threats, however, could not so be spurned away, and were not mere empty brutalities. Nicholas's report of it to the King was dated but a few days after the occurrence, yet, in the brief interval, not only had another attempt upon Pym's life been discovered, but a person mistaken for him had been stabbed in Westminster Hall. Charles made no comment on the particular subject reported upon by his correspondent. But if so minded, his Majesty might have told him that he and his Queen had their plots also against the foremost man of the parliament, and that his name, for purposes of their own, was become a word of familiar sound in their letters to each other.[1]

Pym had assailants in the house itself, too, more open but hardly more honorable. The first direct result of the dark rumours from Scotland inculpating the King, was a proposition moved in the Commons for a vote affirming the King's right to nominate all officers, councillors, ambassadors, and ministers; but demanding that the power of approving them should in future rest with the parliament. It was brought forward by Mr. Robert Goodwin, the member for East Grinstead, in a speech

[1] "I received yesterday a letter "from Pym, by which he sends me "word that he fears I am offended "with him, because he has not had a "letter from me for a long time. I "beg you tell him that that is not "the case, and that I am as much "his friend as ever, but I have so much "business, that I have not been able "to write by expresses, and by the "post it is not safe." So wrote Henrietta Maria to her husband the King; and the intention of course was to damage Pym, if possible, by letting such expressions, in themselves a pure invention, casually be seen. Again she says, in another letter: "As to the thirty thousand pieces "which Pym sends me word have "been promised a long time ago, and "not sent, you will also be shown "how they have been employed most "usefully for your service." Again, artfully naming him with a known agent and minister of Charles: "I "have so much business that I "have not leisure to write to Pym "nor to Culpeper. Remember me "to them, and tell them I am re-"turned to England as much their "friend as when I left, &c."

levelled at the new party in the house. He dilated on the disasters undergone from former advisers and ministers of the Sovereign; and argued that all they had gained would now be lost, if they could not guard against possible dangers from new counsellors as unworthy, and who might perhaps become as powerful, as the old. The matter was debated on both sides with vehemence, and Mr. William Strode,[1] who sat for Beeralston,

[1] What Clarendon says of Strode, that he was "one of those ephori "who most avowed the curbing and "suppressing of Majesty" (i. 253), and further (ii. 23), that he was "one "of the fiercest men of the party, "and of the party only for his fierce-"ness," is coloured always by strong personal dislike, but it had probably some foundation. Only he forgets to state that Strode had precisely the same claims to popular sympathy and confidence of which he does not withhold the credit from other leading men, in so far as such might fairly rest on former sufferings and long imprisonments for independent conduct in preceding parliaments. And indeed, considering the strong claim which, in every other case, such sufferings constituted—the title which the mere fact of having so suffered gave, to popularity out of the house, to authority within it, and to continued dislike and jealousy from the Court—it is perfectly inexplicable to me that Clarendon, in remarking on the arrest of the five members, should bring himself to talk of a man who had sat in the last two Parliaments of James and in all the Parliaments of Charles, who had been a foremost actor in the great scene of the dissolution of the Third Parliament, and who for his spirited and manly conduct that day had suffered persecution and long imprisonment, as he speaks of Strode. After observing that three of the five members impeached were really distinguished men, he adds (vol. ii. 161) "Sir Arthur Haselrig and Mr. "Strode were persons of too low an "account and esteem; and though "their virulence and malice was as "conspicuous and transcendent as "any man's, yet their reputation, "and interest to do any mischief, "otherwise than in concurring in it, "was so small, that they gained "credit and authority by being joined "with the rest, who had indeed a "great influence."

I had written thus far when it occurred to me to make further enquiry, and the result is a clear conviction to my mind that the Strode of the Parliaments of James and the early Parliaments of Charles, and the Strode of the Long Parliament, in whose identity every historian and writer upon these times, so far as I am aware, has hitherto implicitly believed, and who, as one and the same speaker, fill a large place in both Editions of the Parliamentary History, were two distinct persons. That so extraordinary a mistake should have been made as to a person whom the King's fatal attempt was calculated to render notorious, may serve to show, among other things, how much has yet to be learned respecting the incidents and actors in these momentous times. The proof as to Strode, which is quite decisive, consists in the fact of repeated references to him as a young man, in the manuscript reports of the proceedings of the house which I have had before me while writing. Rushworth had already drily noticed (*Collections*, Part iii. Vol. I. 477) his obstinacy in refusing, when the King's intention was made known, to leave the house with the other members,

appears to have given the member for Saltash, Mr. Edward Hyde,[1] some advantage, by the unusual violence of tone with which he broadly insisted on the right of the House to a negative voice in placing great officers of state. "I think most he said was premeditated," says a member who was present; "but it was so extreme "in strain, as Mr. Hyde did, upon the sudden, confute "most of it." Mr. Hyde doubtless found his task more difficult; however, when Pym, after the interval of a week, during which the startling news had arrived (received in the house, says Clarendon, with deep silence and a kind of consternation) of that rebellion and most appalling massacre by the Irish papists, from some connivance with whose abettors the memory of Charles the First has never yet been cleared, put the matter in a more practical form.

On Friday, the 5th of November, Pym met the question of the supply necessary for the forces to be sent into Ireland by reviving the question of the King's evil counsellors. His Majesty must be told, said the member

until his ancient acquaintance Sir Walter Earle forced him out: but I subjoin an ampler account of the scene, until now unpublished, which is interesting in itself, and decisive as to the mistake hitherto made. "But "Mr. William Strode, the last of the "five, being a young man and un-"married, could not be persuaded by "his friends for a pretty while to go "out; but said that knowing him-"self to be innocent, he would stay "in the house, though he sealed his "innocency with his blood at the "door: nor had he been at last over-"come by the importunate advice and "entreaties of his friends, when the "van or fore-front of those ruffians "marched into Westminster Hall. "Nay, when no persuasions could "prevail with the said Mr. Strode, "Sir Walter Earle, his entire friend, "was fain to take him by the cloak, "and pull him out of his place, "and so get him out of the house."

From the fact of his representing Beeralston, and of the connection between the family of the elder Strode and Sir Walter Earle, young Strode was in all probability the son; but both the Editions of the Parliamentary History, and all other biographies and histories relating to him, beginning with the very positive account in the Second Impression of the *Athenæ Oxonienses* (iii. 176-8, Edit. 1817), must now be altered.

[1] Afterwards Lord Clarendon. I call him by either name indiscriminately in the course of this paper, but he was not the only Hyde who sat in the Long Parliament. There was a Robert Hyde, also a lawyer and a royalist, who sat for Salisbury; commonly called Serjeant Hyde. Robert voted against Strafford's attainder, and has occasionally been mistaken for Edward in the list of "Strafford-ians."

for Tavistock, that parliament here finds evil counsels to have been the cause of all these troubles in Ireland; and that unless the Sovereign will be pleased to free himself from such, and take only counsellors whom the kingdom can confide in, parliament will hold itself absolved from giving assistance in the matter. On this up sprang the member for St. Ives, Mr. Edmund Waller, cousin to Hampden and to Cromwell, yet one of Hyde's most eager recruits, nor more despised for his abject, veering, vacillating spirit, than he was popular for his wit, vivacity, and genius.[1] These he had now placed entirely at the King's disposal. He begged the House to observe what Mr. Pym had just said, and to remember what formerly had been said by the Earl of Strafford. Where in effect was the difference, between such counsel to a king, as that he was absolved from all laws of government, on parliament refusing his unjust demands; and such advice to a parliament, as that it should hold itself absolved from assisting the State, on the king's non-compliance with demands perhaps not more just? The too ingenious speaker was not permitted to say more. Pym rose immediately and spoke to order. If the advice he had given were indeed of the same nature as Lord Strafford's, then he deserved the like punishment; and he craved, therefore, the justice of the House, either to be submitted to its censure, or that the gentleman who spoke last be compelled to make reparation. Many and loud were the cries for Waller which followed this grave and dignified rebuke; but a strong party supported him in his refusal to give other than such modified explanation as he at first tendered, and it was not until after long

[1] "He had a graceful way of "speaking; and by thinking much upon several arguments, he seemed often "to speak upon the sudden, when "the occasion had only administered "the opportunity of saying what he "had thoroughly considered, which "gave a great lustre to all he said; "which yet was rather of delight "than weight. There needs no more "be said to extol the excellence "and power of his wit, and pleasantness of his conversation, than that "it was of magnitude enough to cover "a world of very great faults; that "is, so to cover them, that they were "not taken notice of to his reproach." —Clarendon, *Life*, i. 54.

debate he was ordered into the committee chamber, and had to make submission in the required terms. It was near five o'clock on that November evening, when Mr. Waller "publickly asked pardon of the House and "Mr. Pym."[1]

But the House, or Mr. Pym, was little now to Mr. Waller and his friends, in comparison with their new and late-found allegiance to the other master whom till now they had determinedly opposed. So quick and ready the change, it was as the shifting of a scene upon the stage. The men who had always been courtiers were seen suddenly deposed from what importance they had, and an entirely new set of characters promptly filled their place. "I may not forbear to "let your Majesty know," writes Nicholas immediately before the scene just named, and describing the debates which led to it, "that the Lord Falkland, Sir "John Strangways, Mr. Waller, Mr. Edward Hyde, and "Mr. Holborne, and divers others, stood as champions in "maintenance of your prerogative, and showed for it "unanswerable reason and undeniable precedents, whereof "your Majesty shall do well to take some notice, as your "Majesty shall think best, for their encouragement." Eagerly did the King respond, that his good Nicholas was commanded to do so much at once in his name, and to tell those worthy gentlemen that he would do it himself at his return. Whereupon closely had followed Mr. Waller's assault on Mr. Pym, and the rebuke at Westminster winning him fresh favour at Whitehall.

[1] All, until now, revealed of this affair, is contained in the subjoined entry from the Commons' Journals (ii. 306), under head of Friday, 5th Nov. 1641:

"Exceptions were taken at words "spoken by Mr. Waller, which re- "flected upon Mr. Pym in a high "way: for which he was commanded "to withdraw.

"And he being withdrawn, the "Business was a while debated: And "then he was commanded to return "to his place.

"And then the Speaker told him, "that the House held it fit, that, in "his place, he should acknowledge "his offence given by his words, both "to the House in general, and Mr. "Pym in particular.

"Which he did ingenuously, and "expressed his sorrow for it."

The special cause of offence is now first made known.

Each incident that had manifested thus, however, the spirit and purpose of the new opposition served only to knit more closely what was left of the old liberal phalanx. No word was breathed of any kind of concession. Their speech had not been more decisive, or their action more vigorous, while Strafford stood at bay. Broken as were their ranks, their majority was sufficient and decisive: and they had a supreme force in reserve, to which they were about to appeal. Wherever Hyde and his friends, therefore, might be expected to muster strongest, there they struck ever themselves the first, and the heaviest.

Before the recess, thirteen bishops had been impeached for an attempt to override the law by asserting a legislative authority in new Canons which they claimed to impose; and after the House again met, as we have seen, a bill had been introduced for taking away their votes in the upper house; yet this was the time selected by Charles for pressing with characteristic vehemence the investiture of five new bishops! In writing to Edinburgh, Nicholas had been careful to recount the surprise he heard expressed that any man should move his Majesty for making of bishops in those times, to which his Majesty wrote instantly back that on no account was there to be any delay; and at the very moment these letters were thus interchanged, Mr. Oliver Cromwell had carried in the Commons, by a majority of eighteen, a motion for a conference with the Lords to stay the investiture. The day had now arrived, too, when the impeached bishops were to put in their answer; and a demurrer was entered on their behalf so skilfully drawn up, that the curiosity was great to ascertain its author. It came on for discussion in the house; and the one of Hampden's counsel who had argued with most consummate ability against ship-money, and who had not heretofore been very friendly to bishops, Mr. Holborne, member for St. Michael's and of late entirely leagued with Hyde, got up to support it. Hereupon Sir Simonds D'Ewes, that wealthy and respected country gentleman who now sat for Sudbury, ex-high-sheriff of Suffolk, but

formerly student and barrister of the Middle Temple, made a lucky hit. He complimented his learned friend; recalled the days when they used to meet at mootes in Lincoln's Inn, and admitted that, of all men, he was wont to get deepest into the points of a case; but truly, he had this day so strongly maintained the plea and demurrer of the bishops, that he could not have performed it more exactly if he himself had drawn the same. Something here perhaps in Holborne's manner betrayed him, but a loud laugh burst forth which was kept up some time. "All the House laughed so long," says D'Ewes, "as I was fain to remain silent a good while; for I "believe many in the house did suspect, as well as "myself, that either the said Mr. Holborne had wholly "drawn them, or at least had given his assistance "therein." It was quite true: but the great ship-money lawyer took little for his pains in having thus come to the rescue. Upon the success of the demurrer, Pym headed a conference with the Lords; demanded, in the name of the Commons, that the votes of the bishops should be suspended until the fate of the bill under discussion was decided; and so began the conflict with the Right Reverend Bench which ended in their committal to the Tower.

In like manner it fared with the two other questions, control of his Army and choice of his Counsellors, on which the King was himself most sensitive, and his friends in the house most busy and eager. Every move they made was outmoved. Vehement as were the excitements, and grave the dangers, of the Irish Rebellion, of the doubtful allegiance of the force under arms in England, and of the attempts in Scotland against Argyle and the Hamiltons, Pym seized and turned to instant advantage, as already we have seen on one subject, the equivocal position regarding all in which ill counsels had placed the King. At a conference with the Lords, every step to which had been hotly contested in the Commons, he obtained their consent to the introduction of a

clause against evil counsellors into the instructions for requesting help from the Scotch Parliament for suppression of the Irish Rebellion; and this after a speech consummate in its power and effect, and remarkable for the subtlety of its argument against the Roman Catholic religion as in its full indulgence incompatible with the existence in a State, not only of any other form of religion, but of any form whatever of political government and freedom. The clause embodied the exact sentiment, in almost the exact words, to which Hyde and his friends, as we have seen, had taken violent objection; and on the same day when this clause passed the lower house by a majority of forty-one, and the conference with the Lords was obtained, which was only two days later than that of Waller's high-flying parallel between Strafford and Pym, I discover that Mr. Cromwell moved and carried an addition to the subjects for conference—("that we should "desire the Lords that an ordinance of parliament[1] "might pass to give the Earl of Essex power to assemble, "at all times, the trained bands of the kingdom on this "side Trent, for the defence thereof, till further orders "therein taken by the Houses")—wherein lay the ominous germ and beginning of the victorious army of the parliament.

[1] Then for the first time appeared the ill-boding claim of power for an Ordinance of both Houses in the absence of the King. Nicholas hastened to inform the King of the portent. A great lord had objected, he said, and expressed doubts whether men might be raised without warrant under the Great Seal; whereupon, this doubt being made known in the Commons' house, it was declared that an Ordinance of both Houses was a sufficient warrant for levying of volunteers by beating of the drum, "and an entry of such their declar-"ation was accordingly made in the "Register of that house." The letter of Nicholas is dated the 10th November. Meanwhile, however, the Queen appears to have sent, upon this all important point, even earlier tidings to the King, for in a letter dated the 12th November, only two days later, she thus writes to Nicholas: "I send you a letter for "Milord Keeper that the King did "send to me to deliver if I thought it "fit. *The subject of it is to make a "Declaration against the Orders of "Parliament which are made with-"out the King.* If you believe a fit "time give it him, if not you may "keep it till I see you." In the same letter she tells Nicholas that the King will certainly be in London by the 20th of the month, and that he is therefore to advertise the Lord Mayor of London of the fact.

In the afternoon of that same Monday the 8th of November, the "Declaration and Remonstrance" was submitted in its first rough draft for discussion by the House. Never before was presented to it, never since has it received, such a State Paper as that!—Immediately upon its production, it was read at the clerk's table; whereupon several notices of motions for additions and amendments were given, and order was taken for commencing the discussion upon its several clauses, *seriatim*, on the following morning at nine o'clock.

The character of the impression at once made by it will be inferred from the instant communication of Secretary Nicholas to the King. On the evening of the same day, he wrote off to Scotland that there had been that afternoon brought into the Commons' house, and there read, a Declaration of the State of Affairs of the kingdom which related all the misgovernment, and all the unpleasing things that had been done by ill counsels ("as "they call it"), since the third year of the reign until now. The further consideration of it was to be had the next day in the house; and so much was it likely to reflect to the prejudice of his Majesty's government, that Mr. Secretary "troubled" to think what might be the issue if his Majesty came not instantly away from Edinburgh. Every line in the letter showed the sore perplexity the writer was in. He could not possibly account for this Remonstrance satisfactorily as a party demonstration. "Surely if there had been in this," he says, "nothing but "an intention to have justified the proceedings of this "parliament, they would not have begun so high." He entreated the King to burn his letter, or he, Nicholas, might be lost; and at its close he again made urgent and anxious representation to his Majesty, that he could not possibly so much prejudice himself by at once leaving Edinburgh and all things there unfinished, as by delaying his return to London even one day. The King's answer, avoiding the question of the immediate return, as to which he had already communicated with the Queen, was

not less urgent. "You must needs speak with such of my "servants that you may best trust, in my name, *that by* "*all means possible this Declaration may be stopped.*"

Alas! this was not by any means possible. All that could now be done, by earnest recruiting for the royal service, was to arouse and league firmly together, in desperate opposition to the Remonstrance and its authors, a band of members of the lower house, even more fierce, and only less determined, than the other indissoluble league already pledged to support it, and bent upon carrying it to the people. And so the struggle began.

On Tuesday, the 9th of November, the first debate was taken. The hour appointed for it was nine o'clock, but it did not begin till about twelve o'clock, and it continued until a late hour. The order of procedure was first settled. The Declaration was to be read clause by clause; every member was to speak to each clause, if he would; and if any spoke to have the clause amended, and that the House gave leave, then it was to be amended, and the clause with the amendments put to the question. Cromwell and Strode were among those who moved the first amendments. At this first sitting also, Bulstrode Whitelocke, who sat for Marlow, Serjeant Wylde, the member for Worcestershire, Mr. Henry Smith, the member for Leicestershire and afterwards one of the King's judges, Sir John Clotworthy, who sat for Malden, Mr. Wingate, the member for St. Albans, and Mr. Geoffrey Palmer, the member for Stamford, and formerly one of the managers of Strafford's impeachment, moved and carried insertions and additions; all of them, with exception of the last, designed to make it more stringent and severe in tone. On the following day, Nicholas reported as usual to the King. A fourth part had been gone through, comprising nearly fifty clauses; and the rest of it, Mr. Secretary had learnt, was to be voted in the same way, as fast as might be; after which it was to be transmitted straightway to the Lords. The latter information was inaccurate; but the King's instant order to act upon it, though destined to be

of no avail as to the upper house, was a new incentive to activity in the lower. "Command the Lord Keeper in my name," he wrote, "that he warn all my servants to "oppose it in the Lords' house."

On Wednesday, the 10th of November, says a member who took part in the debate, "we proceeded with the "Remonstrance where we left off yesterday," Insertions and additions were again made, among them one having reference to slavish doctrines against the subject's property in his estate, very generally preached from pulpits before the King; and a peremptory order, issued at this sitting, to the effect that the clerk should on no account give out copies of the Declaration until the House had fully perfected it, may serve to show how interest was gathering around it from day to day.

The Irish Rebellion, and provision for the levies and expenditure it had suddenly rendered necessary, occupied the House so incessantly during the sitting of the 11th of November, that the order for resuming the Remonstrance had to be laid aside; but a remarkable allusion was thrown out in reference to it, by Strode, in the course of the debate on the raising money for supply of his Majesty's wants in Ireland. He spoke of the dissatisfaction of the people, and of the injustice of laying further burdens on them, until something were done to reassure them under their present fears and misgivings, and to give them hope that what with so much toil and sacrifice had been lately gained was not again to be completely lost. "Sir," said the member for Beeralston, "I move against the order of the committee "that we should not admit of the giving of money till the "Remonstrance be passed this house, and gone into the "country to satisfy them." This at any rate was plain speaking.[1] Thus early in the debates the desire and

[1] Strode seems to have had the habit of blurting out in words, in a sudden impulsive way, what the more reserved of the party more prudently were content to leave as matter of inference from their acts. As to the question of disbanding the Scotch army, for instance, he frankly avowed:

the design of the promoters of the Remonstrance were frankly avowed. It was to be to them some guarantee that the army about to be raised for the suppression of Irish rebellion, should not hereafter be used for the suppression of English liberty. It was to be printed and circulated among the people.

That was on Thursday, the 11th of November. On the day following, the Remonstrance was proceeded with, and every part so obstinately disputed, that the House sat far into that November afternoon. A motion for rising having been resisted successfully, another member moved that candles should be brought. This was a proceeding as yet very rarely resorted to; it having been only during the proceedings on the Attainder of Strafford that the order of the house had been so far relaxed as to admit of new motions made, except with special permission, after noon.[1] "Sir," said the advocate for candles, who was no other than D'Ewes himself, "we have now been sitting in the "house near upon seven hours" (the ordinary hour of meeting was eight o'clock in the morning, but of late, in consequence of the prolonged sittings, the hour had been generally nine, sometimes even ten o'clock), "and we do

"We cannot yet spare the Scotch. "The sons of Zeruiah are too strong "for us:" for which, being called to order, the House refused to exact any apology. (Journals, Feb. 6, 1640-1.) What he thus openly declared had till then (according to *May*, lib. i. cap. viii.) been asserted principally by the ill-affected, who not only in discourse but written libels taxed the Parliament with it, imputing it to them as a crime of too much distrust of the King, and accusing them of having kept up a foreign army to overawe their own Prince.

[1] I find, from the D'Ewes manuscript before me, that on the 4th December 1640, on the motion of Strode, an order was made that "every one "upon coming into the house who "did not take his place, or did, after "taking his place, talk so loud as to "interrupt the business of the house "from being heard, should pay a "shilling fine, to be divided between "the serjeant and the poor." And to this order, on the motion of Sir John Strangways, the member for Weymouth, it was added "that after "twelve o'clock no new business be "entered into, or moved, without the "leave of the house." More formally it was resolved a few days later, upon the motion of Sir Walter Earle, the other member for Weymouth, "that "the ancient order of the house be ob-"served: namely, that no bills be "read the second time but between "the hours of nine and twelve." To which it was added, at the suggestion of Mr. Speaker (Lenthal), that all bills might be read a first time, early in the morning.

" not now think fit to rise, but we will still sit. I desire " that we may sit according to the ancient use of parlia- " ments, having the use as well of our eyes as of our " ears; and that lights may be brought in."

On this very day, Nicholas had written somewhat more hopefully to the King that the House had been the day before so employed about Irish affairs, that they meddled not with their Declaration: but after a very few days he has, less eagerly, to report that they have been making up for lost time. " The House of Commons," he wrote, " hastens by all means the finishing of the Declaration or " Remonstrance; and for the more speedy expediting of " it, they have at the committee passed by many par- " ticulars to avoid the delay of long debates."

In those few words were also expressed the steady perseverance and tenacity of what was truly to be called His Majesty's Opposition. Every inch of the ground was so contested indeed, that only the most watchful and resolute determination could avail to maintain any part of it unimpaired; and all the forms of the House were exhausted in pretences for delay. The whole of the sitting of Monday, the 15th of November, was taken up with the discussion of the single clause which ultimately stood as the hundred and ninetieth. In this, adverting to the charges brought by the ill-affected party against the leaders of the House of Commons, it was affirmed, in contradiction of those charges, that not the meddling of the Commons with the power of episcopacy, but the idolatry and popish ceremonies introduced into the Church by command of the bishops themselves, were the causes why sectaries and conventicles abounded in England, and why Englishmen, seeking liberty of worship, had been driven into exile. A debate of extraordinary vehemence arose upon this word *command*. It was led by Sir Edward Dering, the member for Kent,[1] who but

[1] Poor Sir Edward Dering got himself only laughed at for his pains in going suddenly over to Hyde's party on this question of the Remonstrance. He lost his seat in the house shortly after, and failed to obtain any stand-

a little while before had moved the reading of a bill for extirpating bishops, deans, and chapters; and it was supported by Lord Falkland, who, on the 8th of the preceding February, had distinctly charged the bishops with having destroyed unity under pretence of uniformity, with having brought in superstition and scandal under the titles of reverence and decency, with having defiled the Church by adorning the churches, and destroyed of the gospel as much as they could without bringing themselves into danger of being destroyed by the law. With a pettifogging worthier of Hyde than of himself, Falkland now joined Dering in asking where proof was to be found that the bishops had issued any "command" for the introduction of idolatry. Who hath read this command? they asked. "Who hath heard it? Who hath seen this commanded idolatry?" The day closed while yet the debate had not; an order being made that the Remonstrance should be resumed the next day at ten o'clock, and that meanwhile the clause which had then been debated so much, should be recommitted to the committee that originally drafted it, to prepare it in such a manner as might be agreeable to the sense of the House.

On Tuesday, the 16th, the debate was resumed accordingly; but the obnoxious word remained in the clause as again introduced, and after further hot debate, the question of whether it should stand passed to a division. It was carried in the affirmative by a majority of 25, Sir Thomas Barrington, the member for Colchester, and Sir Martin Lumley, the member for Essex, being tellers for the 124 ayes, and Sir Edward Dering, with Sir Hugh Cholmley, the member for Scarborough, for the

ing with the Royalists. Yet he seems to have been an eloquent and on the whole a well-meaning man, and hardly to have deserved the sneers of Clarendon; who in his History (i. 416) characterises him as a man of levity and vanity, easily flattered by being commended; and goes so far as to assert that his "greatest "motive" in moving the trenchant bill against the bishops, was that he might have the opportunity of applying the two lines from Ovid,

Cuncta prius tentanda, sed immedicabile vulnus
Ense recidendum est, ne pars sincera trahatur!

99 noes. The discussion on this day again occupied nearly all the sitting, and was only at last closed by the compromise of laying aside some clauses in which exception had been taken to parts of the Liturgy as savouring of superstition. Other changes, comprising some additions, were also assented to; and these, with the Declaration as amended thus far, were referred to "the "same committee that was appointed for penning of it, "and they are to bring it back to the house with all con- "venient speed." A further concession to the Opposition was at the same time made, in the addition to that committee of the names of Culpeper and Falkland.

The two following days, Wednesday and Thursday, the 17th and 18th of November, were silent as to the Remonstrance, but filled with matters of grave import having a direct bearing upon it. Complaints had been made of unauthorised and exaggerated accounts sent abroad of the recent proceedings of the House, and after debate an order was issued for peremptory suppression of all present printing, "or venting in manuscript," of the Diurnal Occurrences of parliament. The examinations as to the new army plot were also completed, the evidence leaving little doubt as to the design having been known to the King; and Pym moved and carried a resolution, "that, in "the examinations now read unto us, we did conceive "there was sufficient evidence for us to believe that there "was a second design to bring up the army to overawe "the deliberations of this House."

On Friday the 19th, Secretary Nicholas wrote with unconcealed alarm and misgiving to his master. "The "worst in all that business is, that it reflects on your "Majesty, as if you had given some instructions con- "cerning the stirring up the army to petition the parlia- "ment. I hope it will appear that your Majesty's "intentions were only to retain the army in their duty "and dependance on your Majesty." After which, in the same letter, Mr. Secretary went on to say, that there had been nothing done these two days by the Commons

touching the Declaration remonstrating the bad effects of ill counsels; but it was thought that the same would be finished that week. There were, he added, divers well affected servants of his Majesty in the house who had continued to oppose the Remonstrance with unanswerable arguments; but it was verily thought that it would pass notwithstanding, and that it would be "ordered to be "printed" without transmission to the Lords. Upon which it is to be observed as beyond question, that manifestly there was no longer any concealment of the ultimate design of the leaders of the House of Commons. Thus early, the destination of the Remonstrance was known. Strode had indeed publicly argued upon the assumption of its being printed and diffused among the people, as a thing to be admitted; and any subsequent complaint, therefore, of being taken by surprise when the proposition for the printing was formally made, could have been but a sheer pretence on the part of its opponents.

While Nicholas was writing to the King, it had been brought back to the house from the committee, pursuant to the last order; certain amendments to it had been violently debated, having reference to portions of the service-book;[1] these ultimately, upon concession by the majority, had been read and assented to, and certain other verbal alterations made; and another lengthened debate had given further opportunity for the "unanswerable" arguments on the one side, and the quiet and resolved answers on the other, which had now occupied the House, with small intermission, since the 9th of November. Why should you pass this unnecessary and unseasonable Declara-

[1] I subjoin a characteristic passage from a speech of Dering's delivered in this debate, as reported and preserved by himself. "Why, Sir, at one of "your committees I heard it publicly "asserted by one of the committee "that some of our Articles do contain "some things contrary to Holy Scripture . . . I started with wonder "and anger to hear a bold mechanick "tell me that my creed is not my "creed. He wondered at my wonder, "and said, *I hope your worship is* "*too wise to believe that which you* "*call your creed.*"

tion? urged Hyde and his friends once more. It is unnecessary to detail grievances, most of which are already fully redressed; and it is unseasonable to welcome home from Scotland, with such a volume of reproaches, the very author of that redress, and to assail his Majesty the King for what others have done amiss, and for what he himself hath reformed. We propose to pass it, was the determined answer of Pym and his associates, because we hold it to be necessary for the preservation and maintenance of the concessions which have so been made. We believe ourselves in danger of being deprived of all the good acts we have gained, if great care and vigilance be not still used to disappoint malignant counsels. They who most exalt the grace and bounty of the King in regard to those good acts, have been most busy to pervert the affections of the people from ourselves in regard to the same matter. For our own acquittal, therefore, we would let the kingdom know in what state we found it at our first convention, what fruit it hath received by our counsels, wherein we think the securities obtained are not yet sufficient, and such further measures as in our consciences we believe to be called for. Because, though the prime evil counsellors have been removed, there are others growing up in their places like to do quite as much mischief. — To which last home thrust, reply could not have been very easy!—It was late in the afternoon, when, at the close of this debate, the order was moved and carried that the Declaration should be duly engrossed, and again brought in at two o'clock the next day. All which having been accomplished, the House was about to pass to other business, when D'Ewes informs us that Mr. Speaker Lenthal made an appeal ad misericordiam for himself. He showed that he had been sitting very late yesterday (Thursday 18th), that it was now past four o'clock, and that he really could not hold out daily to sit seven or eight hours. Whereon the indefatigable Mr. Pym, admitting the appeal, suggested that the House should rise, and that a grand committee should presently sit.

On Saturday, the 20th of November, at two o'clock, the Remonstrance, engrossed and finished, was laid upon the table. Doubtless it was then expected by its supporters, and with some show of reason, that after having stood the brunt of so many prolonged debates, it might be voted without further resistance. A resolution was accordingly moved upon its introduction, "that it be "read and finished to-night;" which was met, however, by such determined opposition, that Pym was obliged to yield, and the final debate was fixed for ten o'clock on the morning of Monday the 22d. "Why would you have it "still put off," asked Cromwell of Falkland, as they left the house; "for this day would quickly have determined "it." To which Falkland made reply that there would not have been time enough, for sure it would take some further debate. Oliver rejoined, "A very sorry one."[1]

Cromwell was mistaken, no doubt. He was not in Hyde's confidence, and could not know of the desperate party-move to be attempted on the occasion of the last debate. But before this is described, and while the Remonstrance, ready engrossed, is lying on the table of the house, the time would seem to have arrived for the endeavour to present it to the reader, at once with sufficient fulness for accurate reflection of all its statements and in such form as to render justice to the striking narrative they embody, yet at the same time so

[1] *Hist.* ii., 42. Clarendon tells the anecdote, however, in a sense quite different from that which it derives from an authentic statement of the circumstances. It was in the ordinary course of the business of the House that Pym had proposed at once to bring the matter to a conclusion, but Clarendon (ii. 41) would have us believe that he made that proposition in direct forfeiture of a previous engagement. "And by these and the "like arts, they promised themselves "that they should easily carry it; so "that, *the day it was to be resumed*, "they entertained the House all the "morning with other debates, and to-"wards noon called for the Remon-"strance," &c. upon which they were forced to go back to the first understanding of giving an entire day to the debate. Accordingly, he continues, "the next morning, the debate being "entered upon about nine of the "clock," &c. Now, no such incidents occurred. On the day fixed for the resumption of the debate, it *was* resumed, and at the hour precisely which before had been arranged—namely, twelve o'clock. Clarendon's statement is an entire misrepresentation.

compressed as to bring it within the limits of ordinary histories. There, it should long ago have had the place, from which it may hardly be too much to believe now, with some degree of confidence, that it never more can be excluded. In which expectation are here appended to it some notes of matters not lying on the surface of ordinary books, which will be found to illustrate and completely corroborate the most startling of its averments.

And so to modern readers is committed that great vindication of the rising of their ancestors against the sovereign in the seventeenth century, as to which one who opposed it eloquently through all its stages thus frankly confessed the secret of his opposition: "*Sir, this* "*Remonstrance, whensoever it passeth, will make such an* "*impression, and leave such a character behind, both of his* "*Majesty, the People, and the Parliament, and of this present* "*Church and State, as no time shall ever eat it out, while* "*histories are written, and men have eyes to read them!*"

The Preamble, consisting of twenty not numbered clauses, and opening in the name of "the Commons in the present "Parliament assembled," begins by declaring that for the past twelve months they had been carrying on a struggle of which the object was to restore and establish the ancient honour, greatness, and security, of the Nation and the Crown. That during this time they had been called to wrestle with dangers and fears, with miseries and calamities, with distempers and disorders so various, great, and pressing, that for the time the entire liberty and prosperity of the kingdom had been extinguished by them, and the foundations of the throne undermined. And that now, finding great aspersions cast on what had been done. many difficulties raised for the hindrance of what remained to do, and jealousies everywhere busily fomented betwixt

the King and Parliament, they had thought it good in this manner to declare the root and growth of the designs by which so much mischief had been caused; the heighth to which these had reached before the parliament met; the means they used for extirpating them; and, together with the progress made therein, the ways of obstruction by which such progress had been interrupted, and the only course by which the obstacles at present intervening could be finally removed.

Then, in express terms, they state the general plan or scheme of the authors of these evils, as a conspiracy to subvert the fundamental laws and principles of government on which alone the religion and justice of the kingdom can firmly rest; and they denounce the conspirators as threefold, (1) the jesuited papists, (2) the bishops and ill-affected clergy, and (3) such counsellors, courtiers, and officers of state, as had preferred their private ends to those of his Majesty and the Commonwealth. All three classes of conspirators, they continued, had principles and counsels in common; and these were, to keep up continual differences betwixt the King and People, and to lower and degrade the protestant religion through the sides of those best affected to it. To the end that so, on the one hand, setting up the prerogative whenever a question of liberty was mooted, discrediting the claims and authority of Parliament, and ever pretending to be *siding* with the King, they might get to themselves the places of greatest trust and power, putting him upon other than the ancient and only legitimate ways of supply; and, on the other hand, by cherishing to the utmost such views of church doctrine and discipline as would establish ecclesiastical tyranny, by sowing dissensions between the common protestants and those whom they called puritans, and by including under the name of puritans all who desired to preserve unimpaired the public laws and liberties and the purity and power of the true religion, they might be able ultimately to introduce such opinions and ceremonies as would necessarily end in

accommodation with Popery.[1] For, of the three elements of the conspiracy, that was the strongest. And as in all compounded bodies, so in this, the operations had been qualified and governed throughout by the predominating element.

Such in substance was the Preamble to the Great Remonstrance; of which all that followed was in the form of practical proofs and illustrations. These were contained in two hundred and six numbered clauses; each clause, as we have seen, having been put separately to the House, and so voted.

The first six had relation to the First Parliament of the reign, and to the recovery of strength by the popish party after their discomfiture by the breach with Spain at the close of the reign of James. Two subsidies had been given by that parliament, yet it was dissolved without the relief of a single grievance; and then followed the disasters of Rochelle, the desertion of the Protestant party in France, the discreditable attempt on Cadiz, the abandonment of the Palatinate and of the Protestant struggle in Germany, the wrongs inflicted on merchants and traders, the pressing and billeting of soldiers[2] in all

[1] "It seemed that their work," said Falkland, in one of his admirable speeches against Laud and his associates (already quoted, ante, p. 32), "was to try how much of a papist "might be brought in without Popery; "and to destroy as much as they could "of the Gospel without bringing "themselves into danger of being "destroyed by the Law. . . . The "design has been to bring in an "English though not a Roman "Popery: I mean, not only the "outside and dress of it, but an "equally absolute and blind depen- "dence of the people upon the clergy, "and of the clergy upon themselves. "They have opposed the papacy "beyond the seas that they might "settle one beyond the water." [He means at Lambeth.] "Nay, common "fame is more than ordinarily false, "if none of them have found a way "to reconcile the opinions of Rome to "the preferments of England; and "to be so absolutely, directly, and "cordially papists, that it is all "that fifteen hundred pounds a year "can do to keep them from con- "fessing it."

[2] The intolerable wrong and misery implied in this grievance will be better understood by reminding the reader of the passionate speech of Wentworth (afterwards Earl of Strafford) in the debates on the Petition of Right, in which, referring to the billeting of soldiers, he exclaims, "They have rent "from us the light of our eyes! en- "forced companies of guests worse "than the ordinances of France! viti- "ated our wives and daughters before "our faces!" In the Verney Papers Mr. Bruce prints the subjoined very

parts of the kingdom, and the endeavour, happily frustrated, to introduce therein large bodies of mercenary troops.

The next four clauses described the Second Parliament, its dissolution after a declared intention to grant five subsidies, and the subsequent levy of those subsidies, not by parliamentary authority, but by the sole order of the King. Commissions of loan were issued, and all who refused were imprisoned; many contracting sicknesses in prison from which they never recovered. Privy seals went forth, raising enormous sums. Court waste and profusion were spoken of on all sides, while the people were unlawfully impoverished.[1] And a commission under the great seal exacted payments from the subject by way of excise, to an extent and in a manner before unheard of.[2]

The Third Parliament; the attempt, by a surreptitious declaration, to evade its enactment of the Petition of

curious return of recusant parishes in the three hundreds of Ashindon.

"A retorne of those parishes that doe refuse to paye for the billiting of soldiers in my division with in the three hundreds of Ashindon.

	li.	s.	d.
Chersly. Mr. Thomas Britwell, John Winter, with the rest .	1	13	8
Brill. George Carter, Mr. John Pim, Mr. William Pim, Mr. John Caswell, with the rest .	2	4	0
Ilmor. Thomas Lyeborn, Edmon Brooks, with the rest .	1	6	0
Lurgesall. The whole parish .	1	13	3
Borstall. The whole parish .	1	13	6

Per me, Edward Bulstrod."

The two Pyms named in this return, if not connections or relatives of the great statesman, at least were worthy of the name they bore.

[1] In the *Diary of Walter Yonge, from* 1604 *to* 1628, edited by Mr. Roberts for the Camden Society (1848) with an interesting and well-informed introduction about the leading western families (Yonge was a Devonshire magistrate and member for Honiton), the two following notices occur in close juxtaposition (p. 98):

(1) "December, 1626. The King having determined heretofore to demand of all his subjects so much money by way of loan as they are set in subsidy, viz.: he that's set at 20*l.* in subsidy to lend unto the King 20*l.*, the judges were urged to subscribe. They paid their money, but refused to subscribe the same as a legal course: for which Sir Randall Crewe, Chief Justice of England, had his patent taken from him, and he was displaced *Ter. Michael.* 1626, *anno* 2 *Caroli*. The privy council subscribed; the lords and peers subscribed, all except fourteen, whereof six were Earls: viz. Earl of Essex, Earl of Warwick, Earl of Clare, Earl of Huntington, Earl of Lincoln, and the Earl of Bolingbroke, being Lord St. John."

(2) "The Duke of Buckingham feasted the King, Queen, and French Ambassador, and bestowed 4000*l.* in a banquet. The sweet water which cost him 200*l.* came down the room as a shower from heaven; the banquet let down in a sheet upon the table, no man seeing how it came; with other pompous vanities to waste away and consume money, the country being in poverty, and more necessary occasions for it."

[2] Among the notices for additions to the original draft of the Remonstrance, entered on the Journals, the subjoined appear with the initials J. C., and may doubtless be assigned to Sir John Clotworthy.

"The last expedition into Germany.
"The loans upon Privy Seal.
"The Commission of Excise."

Right; its forcible dissolution; the imprisonment and persecution of its most distinguished members; and the Royal Declaration printed and dispersed among the people to discredit and disavow its proceedings,[1] and give colour or excuse for the violence used to its chiefs; form the subject of the six following clauses.[2] Strenuous as had been the struggle to pass the Great Petition, its only use had been to show with what reckless presumption, by wicked and daring ministers, the laws had been broken and the liberties suppressed which therein were so solemnly and recently declared. And what meanwhile had been their sufferings whose only crime was to assert the laws, and who could be punished only by their entire subversion? The representatives of the people had been flung into prison, and there treated like felons for words spoken in parliament. All the comforts of life, all means of preservation of health, all necessary means of spiritual consolation, were denied to them. Not suffered to go abroad to enjoy God's ordinances in God's house, His ministers not permitted to minister comfort in their prisons, the liberty of reading and of writing taken from them; in such miserable durance, years upon years had passed. Towards the close of the second year, indeed, some had been released, yet not without heavy fines, and the shame of being enforced to give security for good behaviour: but others might have wearied out their lives in imprisonment, if, eighteen months ago, a parliament had not come; and to one, the most distinguished of them all, after four years' tedious misery, there had

[1] It was on the motion of Strode, member for Beeralston, when the Remonstrance was before the House, that there was ordered to be inserted therein a mention of

"The Declaration set forth upon "the breach of both Parliaments."

[2] Several of these clauses appear to have received additions in the house; and to several notices of motions in the Journals that the consideration of such and such particulars should be added, are appended sometimes initials, sometimes the abbreviated name, more rarely the name in full. One name is thus given:

"*Pal.* The additional explanation "to the Petition of Right."

Which may stand for Geoffrey Palmer, the Member for Stamford, who took a leading part in the debates; or it may be intended for Sir Guy Palmes, member for Rutlandshire.

come a mightier friend. In the last days of November, 1632, the brave and dauntless Eliot died in the Tower. Petition after petition had been sent up for his release; application had been made for but a few months' freedom, even to give him strength to bear further imprisonment; without such temporary change, his physician had testified that he must perish; but a cold and stern refusal was the only answer vouchsafed, and the end came which was past remedy and never to be redressed. His blood cried for vengeance still;[1] or for repentance of those Ministers of State who had so obstructed the course alike of his Majesty's justice and his Majesty's mercy.

The long and terrible interval which succeeded, and which only Laud's mad resolve to impose the service-book on Scotland at last abruptly closed, during which no parliament met, and the people were forbidden even to speak of parliaments,[2] forbidden merely to look back to their ancient liberty; fills forty-four clauses, up to the sixtieth inclusive. Then passed over the land a net-work of tyranny so elaborate and comprehensive, that, excepting only its agents and projectors, not a single class of the community escaped it. Nearly all men suffered alike, in lands, goods, or person; nor was there left to any one that which safely he could call his, except the wrong, and the too patient endurance.

Obsolete laws and services, which it was hoped had been extinguished for ever, confronted suddenly all families of reasonable condition. Old laws of knighthood were revived; and such sums exacted for default, as,

[1] There was no wrong which Pym appears more deeply to have resented than this murder (for such it really amounted to) of his great associate in the former parliaments of the reign. The little parliament (which met in April, 1640) had not assembled many days when Pym moved "that it be "referred to the committee of the "Tower to examine after what man-"ner Sir John Eliot came to his "death, his usage in the Tower, and "to view the rooms and places where "he was imprisoned and where he "died, and to report the same to the "House."

[2] During the first discussion of the Remonstrance, Mr. Wingate, member for St. Alban's, moved that there should be named therein

"The Proclamation set forth, for-"bidding people so much as to talk "of a parliament."

whether in respect of the persons charged, the fines demanded, or the modes of exaction, were entirely monstrous. By fines and compositions for wardships alone,[1] estates were weakened past help. Coat and conduct money,[2] and other military charges, were either pressed as due, or, failing that claim of right, were required as loans. Without a shadow of pretence, either in fact or law, the ancient securities and charters of real property were everywhere violated; and from forests where never any deer fed, from depopulations where never any farm was decayed, and from enclosures where never any hedges were set, charges unceasing and insatiable were drawn against the land.[3] When flaws in title were alleged, they were judged by packed juries; and when commissions of enquiry into excesses of fees or fines were issued, they were made but additional means of increasing and confirming the grievance. They ended, for the most part, in compositions with the delinquents themselves; so that offences

[1] Some notion of the advantage taken, for purposes of extortion, of those obsolete feudal statutes, may be derived from the documents in the Verney Papers relating to Mrs. Mary Blacknall, who had the misfortune, on her father's death, to become a ward of the Crown, and four of whose maternal relations, "Anthony Bla- "grove the elder, Anthony Blagrove "the younger, both of Bulmarsh, "Richard Libb esquire of Hardwick "in the county of Oxford, and Charles "Wiseman esquire of Steventon in "Berks," are obliged to purchase from the Court of Wards (that is, the Government) freedom from oppression, and the ordinary rights of citizenship, by payment to the Crown of a fine of 2,000*l.*, half of which is paid down, and a bond given for the remainder.

[2] This oppressive tax was assessed on the several hundreds separately, each being obliged to supply its quota of men by pressing or enlistment, in proportion to its size and the number demanded; one shilling being paid to each man, fourteen shillings levied for the cost of his "coat," and two other payments made severally, as remuneration to the constable who took him to the place of embarkation, and as fine or charge for his "conduct," or expenses on the way.

[3] From a Schedule of Grievances largely circulated through the country before April 1640, I select one or two items:

"The new taxe of Coate and Conduct "Money, with undue meanes used to in- "force the payment of it, by messen- "gers from the counsell table."

"The infinite number of Monopolies "upon everything the countryman must "buy."

"The rigid execution of the Forrest "laws in theire extremity."

"The exaction of immoderate fees by "some officers under the Lord Chief "Justice in Eyre."

Finch was at this time Chief Justice of the Common Pleas, and no part of his conduct in the circuit in Eyre more exasperated the people than his extending the boundaries of the forests in Essex, and annihilating the ancient perambulations.

to come were compromised as well as the offences past, and a complete impunity established for future wrongs. To these matters were devoted the 17th, 21st, 22nd, 31st, 44th, 45th, and 49th clauses.

Nor was the lot of the merchant and trader, in this disastrous interval, more to be envied than that of any owner of a moderate estate. In the very teeth of the Petition of Right, tonnage and poundage were again levied, with many other similar impositions, of which some were in a disproportion so monstrous, that the amount of the charge exceeded the entire value of the goods. The book of rates generally was also enhanced to such an extent that the ordinary transactions of commerce became impossible. And though, for these violent assessments, there was set up the notable pretence of duly guarding the seas; and though there was suddenly added thereto that new and unheard of tax of ship-money,[1] by which, for

[1] In the above-named "Schedule "of such Grievances as most oppresse "this country," largely circulated in the early part of 1640, stands first "The illegall and insupportable charge "of ship-money, now the fifth yeere "imposed as high as ever, though "the subject was not able to pay the "last yeer, beeing a third." The Lord Deputy Wentworth's newswriter gives us curious notices of this memorable tax, "word of lasting sound in "the memory of this kingdom;" but even his gossiping letters lose something of their careless tone in talking of it, and show that he also winces and smarts under the pressure no one can escape. In one year, Mr. Garrard says, "it "will cost the city at least 35,000*l.*" He names particular assessments to the amount of 360*l.* and 300*l.*: "great "sums to pay at one tax, and we "know not how often it may come. "It reaches us in the Strand, being "within liberties of Westminster, "which furnisheth out one ship— "*nay lodgers*, for I am set at 40*s*; "but I had rather give and pay ten "subsidies in parliament than 10*s*. "this new-old way of dead Noy's." And as in the cities, so in the country. "Mr. Speaker," said Sir John Culpeper, "this tax of ship-money is "the grievance which makes the "farmers faint, and the plough to go "heavy." So intolerable was it everywhere, indeed, that the prisons were literally filled with those who had refused and resisted payment, before the Crown (which, through the judges on circuit, had resisted every former attempt to bring the question into the courts as refusing even to admit a doubt of its legality) consented to appear to Hampden's plea. The Court lawyers had selected Hampden as a better man to fight it out with, than the less affable and apparently more obdurate Lord Saye; but here, as everywhere, they were fated to discover their mistake. I give a curious note (not otherwise reported) as to Lord Saye's subsequent proceedings:

"March 19, 1638-9. Shipmoney, de- "termined for the king by his preroga- "tive, argued Easter and Trinity Term. "In Michaelmas term, the lord Saye

many years, with the help of the book of rates, near upon 700,000*l.* was yearly taken by the Crown; the seas meanwhile were left so utterly unguarded that the Turkish pirates ranged through them uncontrolled, repeatedly taking great ships of value, and consigning to slavery many thousands of English subjects.[1] It was in

"brought his action about it to the "King's Bench barre. Mr. Holborne, "pleading strongly for him, was robuked "by Judge Bartlot [Berkeley], because it "was determined as before. He alleged "a president when such determinings "have been againe questioned. Judge "Crooke alledged presidents. Judge "Joanes said they were not like. Sir "Jo. Brampton [Bramston] alledged that "they had no president like this, viz. to "call the thing in question the next terme, "and before the judges' faces that did determine it. The lord Sayo affirmed, that "if their Lordships wold say it were "lawe, then he wold yeeld; but otherwise not, to the wronging of his country. He hath time to consider until "the next terme."

Pym, in his great speech in the little parliament, struck at the root of the extraordinary and universal resistance provoked by this tax when he pointed out, that it extended to all persons and to all times, that it subjected goods to distress and the person to imprisonment, that, the King being sole judge of the occasion, there was no possibility of exception or relief, and that there were no rules or limits for the proportion, so that no man, under it, knew what estate he had, or how to order his course or expenses. It is quite a mistake to suppose, as some have represented, that it was a light tax—and that Hampden, well able to afford it, opposed it only on principle. No man, not the wealthiest in that day, was able to afford it. It must, sooner or later, have broken him down.

"About the end of March, 1627, "Sir William Courtenay his house of "Ilton, near Salcomb, in Devon, was "robbed; and much of his pewter "plate and household stuff carried "away. It was done by certain "pirates, which came up in boats "from Salcomb, and fled the same "way they came without apprehen"sion"—*Diary of Walter Yonge.* to which passage a valuable note is appended by the editor. The sovereignty of the sea was as yet but the emptiest of claims. Pirates of all lands swept our coasts during the whole of this period of government by the sole will of the King. Piracy had become indeed so much more profitable than honest trading, that many Englishmen turned Turks, and lived at Tunis. Sir Francis Verney is supposed to have been among them; and Mr. Bruce (in his most interesting collection of Verney Papers, printed for the Camden Society, 95-102) does not effectually rebut the supposition. "Assisted by Englishmen," says the editor of Yonge's *Diary*, "the Bar"bary corsairs not only scoured the "English and St. George's Channels, "but even disembarked, pillaged the "villages, and carried the inhabi"tants into slavery, to the number "of several thousands....One vessel "the Algerines captured was worth "260,000*l.* The Dutch resumed "their fishing without a licence, and "captured two rich East Indiamen. "France, Spain, and Holland violated "the neutrality, and insulted the "English flag. The French scoured "the Severn in 1628 . . . So late "as the year 1633, Lord Wentworth, "appointed lord-deputy of Ireland, "names noted pirate vessels off the "coast of Ireland, and their captures. "The Turks carried off a hundred "captives from Baltimore, in Ireland, "in 1631. They landed their poor "captives at Rochelle and marched "them in chains to Marseilles. And "in 1645, the Turks carried off "twenty-six children at one time from

vain that the leading merchants would have appealed to the law. The ordinary course of justice, the common birthright of the subject of England, was closed to them. The most distinguished of their number who made the trial was dragged into the Star Chamber, fined 2000*l.* kept twelve years in prison, and released a beggar.[1] These things are the subject of clauses 18th, 19th, 20th, and part of the 34th.

Other wrongs, too, equally grave, the merchant shared with the mass of his countrymen. As with the Petition of Right, which had been solemnly enacted only eight months before, so it fared with the statutes against monopolies and projectors, won by as hard a struggle in the fourth parliament of James, and which now had been the law for eight years. Again had monopolies and protections of every kind sprung up into existence, and the whole community smarted and groaned under them. There were monopolies of soap, of salt and saltpetre, of wine, of

"Cornwall. The editor has a curious "bill of expenses for sending pirates "with their hands tied behind them "on horseback to Dorchester gaol."

[1] A man had but to question the most profligate decisions of the Courts to be dragged into the Star Chamber. One instance of a different kind, showing the deep resentment of the people at such proceedings, is well worthy of preservation. Of the twelve judges who pronounced on ship money, three dissented, of whom Hutton was one; and a clergyman named Harrison was brought before a jury for having charged Judge Hutton with treason, in having denied the King's prerogative in the matter of ship money. The jury gave 10,000*l.* damages against him; a judgment disallowed, but evincing unmistakeably the feeling of the people. That was in 1638-9. I may add, not less as a valuable illustration of this part of the subject, than as a good specimen of Hyde's tone in the House at this time, a few sentences from his speech upon the misdoings of the Bench of Judges. "The great reso- "lution in ship money was a crime of "so prodigious a nature, that it could "not be easily swallowed and digested "by the consciences even of these "men: but as they who are to "wrestle, or run a race, by degrees "prepare themselves by diet and "lesser essays for the main exercise, "so these judges enter themselves, "and harden their hearts, by more "particular trespasses upon the law "—by imposition and taxes upon the "merchant in trade, by burdens and "pressure upon the gentry by knight- "hood—before they could arrive at "that universal destruction of the "kingdom by ship money; which "promised them reward and security "for all their former services, by "doing the work of a parliament to "his Majesty in supplies; and seemed "to elude justice in leaving none to "judge them, by making the whole "kingdom party to their oppres- "sion."

leather, of coals; literally, of everything in most common and necessary use; and, as the immediate and universal consequence, not merely were the most extravagant prices required to be paid for everything so protected, but articles of the very worst quality, and subject to the basest adulterations, were sure to be supplied. Purveyors, clerks of the markets, saltpetre men,[1] became bye-words of petty oppression. Not only a man's unavoidable daily wants, but his trade, his employment, his habitation, anything, served as the pretext for some vexatious restraint to his liberty. If he would build near London, he found such building was adjudged a nuisance, and had to pay some projector for permission to inflict the nuisance on his neighbours. If he would trade at sea, he was surprised, even there, by the projector, as by a foreign enemy. Merchants commonly were prohibited from unlading their goods in ports for their own advantage, and compelled to unlade in places for the advantage of monopolisers and projectors. There was even a scheme of brass money set on foot[2] which would have had the effect of beggaring the whole kingdom at a stroke, by summary and simultaneous process. And when some solitary citizen was occasionally moved to resistance, it was but to discover that what he had imagined to be courts of law for the determination of the subjects' rights, were now become courts of revenue

[1] Bulstrode Whitelocke moved and carried, in the House itself, this addition of "the abuses of Purveyors and "Saltpetre men."

[2] "About the month of July, "1638, there was a project on foot "for brasse money. It was solemnly "debated whether it be for his Ma-"jesty's service to coine brasse money, "and to make the same currant "within his dominions."—*Diary of Rous*, p. 95. Of the consequences that must immediately have ensued upon this wicked proposal to debase the coin of the realm, it is needless to speak; but some of them are detailed in a paper printed by Rous, p. 95—98. Lord Falkland made a happy allusion to the brass project in one of his resolute speeches against the bishops, while yet he acted on that question with Hampden and Pym. "As some ill ministers "in our State first took away our "money from us, and after endea-"voured to make our money not "worth the taking by turning it into "Brass by a kind of anti-philoso-"pher's stone—so these men used us "in this point of preaching: first "depressing it to their power, and "next labouring to make it such as "the harm had not been much if it "had been depressed."

to supply the treasury of the King. The common result of such resistance was long and hard imprisonment; loss of health to many, loss of life to some; and theirs was an enviable lot, who escaped with the mere breaking up of their establishments and the seizure of their goods.[1] The points so dwelt upon were in the 27th, 28th, 29th 30th, 33rd, part of the 34th, and the 35th clauses.

From the private wrong the public grievance is of course rarely separable; but here it happened frequently that the one received peculiar exasperation from the other, and a striking instance was alleged in the monopoly of gunpowder. So high was the rate set upon gunpowder, that the poorer sort of people were unable to buy it; so strict was the protection, that without a license it was not procurable at all; and, besides the unlawful advantages thus permitted to individuals, many parts of the kingdom were left in consequence utterly without defence.[2] It resulted, in fact, in one of the heaviest wrongs inflicted on the commonwealth. The trainbands were generally discouraged in their exercises, the country began to lose its martial spirit, and several bodies of militia in the counties had their arms taken away. Belonging also to the same class of grievances, were such incidents as the

[1] The state to which in this respect the kingdom had been brought was briefly and forcibly expressed by Mr. Harbottle Grimston, the member for Colchester, subsequently Master of the Rolls, in one of the great debates on grievances. "Sir," he said, "by "some judgments lately obtained in "courts of justice, and by some "new ways of government lately "started up amongst us, the law of "property is so much shaken that no "man can say he is master of any-"thing. All that we have, we hold "but as tenants by courtesy and at "will, and may be stripped of at "pleasure."

[2] It was moved by J. C. (Sir John Clotworthy) in the House that the gunpowder monopoly should be specially entered "as it was a project "for disarming of the kingdom." Another J. C. (Sir John Culpeper), unhappily now the fiercest opponent of the Remonstrance, had strongly pressed this as a grievance at the opening of the Long Parliament. "However little it may seem *primâ* "*facie*, sir," he said, with admirable sense and shrewdness, "upon "due examination it will appear a "great grievance, that enhancing of "the price of gunpowder whereby the "Trained Bands are much discouraged "in their exercising . . . . Mr. "Speaker, the Trained Band is a "militia of great strength and "honour, without charges to the "King, and deserves all due en-"couragement."

breaking up of the forest of Dean, and the assignment to projectors, for supply of temporary needs, of the royal timber therein. One of the best store-houses of the kingdom for maintenance of its shipping was thus lost; nor was the grief of good subjects abated, when they saw it leased and sold to papists. And as public possessions were seized by private projectors, so was private land appropriated under pretences of public or royal title. The crown lawyers put in claims incessantly to portions of estates between high and low water marks, against which the owners had no remedy;[1] and commissions were granted under vexatious and all but obsolete statutes, by which, for the sole benefit of the rich, the poor were most heavily burthened.[2] Large quantities of Common, also, and several public grounds, were taken by the subject under colour of the statute of improvement, and by abuse of the commission of sewers. The 23rd, 24th, 25th, 26th, and 32nd clauses were thus occupied, the last having been specially inserted at the urgent representation of Cromwell.[3]

The steps by which the ordinary courts of judicature had become meanwhile so degraded, as to render possible the prolongation of this lawless time, are succinctly detailed in the 38th, 39th, 40th, 41st, 42nd, 43rd, 46th, and 47th clauses. The patents of the judges were altered;

[1] Mr. Serjeant Wilde had moved in the House as to "the Destruction of "Timber, especially in the Forest of "Deane, by Recusants;" and consideration was moved to be added by J. C. (Sir John Clotworthy) of "the "Entitling the King to the lands be-"tween the high-water and low-"water mark."

[2] "Here is at this present," writes Garrard to the Lord Deputy Wentworth, "a Commission in execution "against cottagers who have not four "acres of ground laid to their houses, "upon a statute made the 31 Eliz., "which vexeth the poor people "mightily, all for the benefit of the "Lord Morton, and the Secretary of "Scotland, the Lord Sterling: much "crying out there is against it, "especially because mean, needy, "and men of no good fame, pri-"soners in the Fleet, are used as "principal Commissioners to call the "people before them, to fine and "compound with them."

[3] "The Commission of Sewers to "be farther explained" are the terms of a notice given in the House by Cromwell. This, and the Commission for Depopulations, were often indignantly recurred to, both by Pym and Cromwell.

and the condition of absolute servility, *durante bene placito*, took the place of that which might imply at least moderate independence, the *quamdiu se bene gesserit*. Some few judges were displaced for refusing to betray their oaths and their consciences;[1] nearly all the rest were overawed into treachery to both; the ordinary approaches to justice were interrupted or foreclosed;[2] and they who should have been as dogs to defend the sheep, became the very wolves to worry them. If a lawyer showed fidelity to his client in any question affecting the Crown, he was marked by the court disfavour. Solicitors and attornies were repeatedly threatened, and not seldom were punished, for prosecuting the most lawful suits. New oaths were forced upon the subject. Undue influences were employed to make juries find for the King. Men found themselves suddenly, in their freeholds and estates, their suits and actions, bound and overruled by orders from the Council Table.[3] Old judicatories, as the Chancery,

[1] The opportunities for violating both were unceasing. Under the pretext of curing defects in titles of land, a proclamation was issued proposing to grant new titles on payment of a reasonable composition; the alleged flaws to be tried by judges empowered, without appeal, to establish the objections; and whoever declined to avail himself of this facility for being plundered, was threatened in no measured terms with the seizure and utter loss of all belonging to him.

[2] "Sir," said Mr. Harbottle Grimston, in one of his speeches on grievances at the opening of this parliament, "I will tell you a passage I heard from "a judge in the King's Bench. There "was a poor man committed by the "Lords, for refusing to submit to a "project; and having attended a "long time at the King's Bench "bar upon his habeas corpus, and at "last pressing very earnestly to be "bailed, the judge said to the rest of "his brethren, 'Come, brothers,' "said he, 'let us bail him; for they "'begin to say in the town, that the "'judges have overthrown the Law, "'and the bishops the Gospel.'"

[3] "The Council Table bit like a "serpent; the Star Chamber like "scorpions. Two or three gentle-"men could not stir out, for fear of "being committed for a riot. Our "souls and consciences were put on "the rack by the Archbishop. We "might not speak of Scripture or "repeat a sermon at our tables. "Many godly ministers were sent to "find their bed in the wilderness. "The oppression was little less in the "lower courts and in the special "courts."—Speech by Sir Arthur Haselrig in Richard Cromwell's parliament, Feb. 1658-9. Clarendon reports it as not merely an ordinary saying but a regular principle of conduct with Finch, sworn in to the high office of Lord Keeper in January, 1639-40, that while he was Keeper, no man should be so saucy as to dispute orders of the Council Board; but that

the Exchequer Chamber, the Courts of the Household,[1] the Court of Wards, and the Star Chamber, were enlarged so as grievously to exceed their proper jurisdiction; and new judicatories, such as the Court of the Earl Marshal, were created without a pretence of legality. Such as were in favour at Whitehall, no longer cared or needed to seek justice except where justice might be fitted to their own desire; and the rules of common law, which had survived through centuries of comparative barbarism, began to lose their certainty and efficacy in this brief term of twelve miserable years.[2]

The 37th clause dealt with the Star Chamber, and recited the fines, imprisonments, banishments, stigmatizings, whippings, gags, pillories, and mutilations,[3] which

the wisdom of that Board should be always ground enough for him to make a decree in Chancery.—*Hist.* i. 131.

[1] Of the kind of courts thus recklessly allowed to override or supersede the ordinary courts of judicature, a remarkable instance occurs in the Verney Papers, where a reprieve appears signed by Secretary Windebank for "one Elizabeth Cottrell, "condemned to death at the Verge "holden on Thursday last for steal-"ing one of his Majesty's dishes," and serving notice to the Treasurer and Comptroller of the Household to stay the execution. But most undoubtedly no authority existed, even in the two infamous Tudor statutes creating criminal courts within the royal precincts, by which Charles the First's Treasurer or Comptroller was empowered to try, convict, and capitally sentence any English subject. Mr. Bruce has properly pointed out that the only criminal cases to which the limited jurisdiction of the Tudor Courts could possibly apply were those of members of the royal household conspiring to kill the King or any great officer of the state, or shedding blood within the limits of the palace. To punish capitally the theft of one of his Majesty's dishes, even though committed by a servant of the royal household (which Elizabeth Cottrell presumably was), is a notion that could only have entered into the projects and arrangements of the most lawless government that England had ever known.

[2] Several notices of motion for additions to the Remonstrance, given after its introduction into the House, had reference to these subjects. I subjoin a few of these:

"The Court of Wards."
"The Jurisdiction of the Council of "the Marches."
"The Council Table, as they take cog-"nizance of *me* and *te*."
"The Buying and Selling of Honours "and Dignities."

Smyth, the signature attached to the first, was doubtless Henry Smyth, the member for Leicestershire, who survived the vicissitudes of the eight following years, and sat on the trial of the King.

[3] The bloody tragedies of Bastwick, of Burton, and of Prynne,—men of spotless reputation in their several learned callings, and whose offence was simply to have claimed the commonest right of freemen,—are well known, and cannot to this day be read without a burning sense of irritation and amazement that even

it administered to cases of conscience. Nothing was too trivial, nor anything too grave, to escape its tyranny:[1] and they were fortunate who, once within its clutches, were again restored safely to their friends and to their callings; thrice happy if not separated for ever from the studies they cherished and the associates they loved. Yet, even so administered, the Star Chamber still fell short of the perfect tyranny which the Primate sought to establish over opinion and conscience throughout England. It was not until the severity of the High Commission, yet further sharpened by the rigour of the Council Table, had brought the Star Chamber at last into the form and uses of a Romish Inquisition, that Archbishop Laud seemed

the much-enduring English people could have possessed their souls in patience, under so many years of such a government. Thomas May, the historian of the Parliament, has a pregnant remark upon the subject. "It seemed, I remember, to many "gentlemen (and was accordingly "discoursed of), a spectacle no less "strange than sad, to see three of "several professions, the noblest in "the kingdom, Divinity, Law and "Physick, exposed at one time to "such an ignominious punishment, "and condemned to it by protestant "magistrates, for such tenets in re- "ligion as the greatest part of pro- "testants in England held, and all the "reformed churches in Europe main- "tained." (Lib. 1, cap. 7.) And this feeling it was, stored up in the minds and hearts of the people, that found afterwards such terrible vent. Yet the few leading names, such as Leighton's and theirs, which live in the history of such persecutions, are of course but the type of countless others, the record of whose sufferings has perished. Here is a marginal notice from Rous's Diary as of one of the commonest incidents of the time. "Many great censures in the Starre "Chamber. Tubbing's case. Tub- "bing lost one eare at Westminster, "and, ere he lost the other in Nor- "folk, he died in prison in London." Rous was a clergyman of Suffolk; a man apparently of supreme silliness and dulness, and who had no opinions worth mention on any subject, to trouble either himself or his neighbours with. The only merit of his Diary (and this but scant) is to collect pieces of gossip, and so preserve evidences of popular facts or feelings, quite above the colour of suspicion on the ground of any popular sympathies in the gossip himself.

[1] "When," said Mr. Bagshaw, member for Southwark, in his speech at the meeting of the Long Parliament, "I cast my eyes upon the High Com- "mission and other Ecclesiastical "Courts, my soul hath bled for the "wrong and pressure which I have "observed to have been done and "committed in these Courts against "the King's good people. I have some "reason to know this, that have been "an attendant to the Court these five "years, for myself and a dear friend "of mine, sometime knight of our "shire, for a mere trivial business. "The most that could be proved "against him was the putting on his "hat in the time of sermon." But, alas! Mr. Bagshaw yielded afterwards to Hyde's temptations, and joined the party of the King.

satisfied (clauses 51st, 52nd, 53rd, 54th, and 55th). And while its suspensions, excommunications, deprivations, and degradations, fell daily upon learned and pious ministers, whose zeal marked them out in its metropolitan jurisdiction, Bishops' Courts were established throughout the country on a similar model, which, though not reaching so high in extremity of punishment, made themselves more generally grievous by the multiplicity of their vile persecutions. No man was now so poor as not to know what ecclesiastical domination meant. It lighted upon the meaner sort of tradesman. It struck the industrious artificer. It impoverished by thousands large classes of the people. And those whom in that respect it spared, it yet so afflicted and troubled, that great numbers departed, with all that they possessed, into Holland, into New England, into whatsoever land or waste beyond the sea the oppressed conscience might hope for freedom. Such was the extent of this emigration, that it was felt in that spring and fountain of English wealth, the woollen-cloth manufacture, as well by the transport abroad as by diminution of the stock at home.

The clauses remaining to be enumerated in this section of the Remonstrance, the 48th, 50th, 56th, 57th, 58th, 59th, and 60th, spoke of appointments to offices; of distributions of preferments; of tamperings with the magistracy; and of the predominance at the Council Table of one or two favoured Ministers, by whose counsels all others were negatived and overruled. The divines selected for promotion in the Church were those in whose pulpits the prerogative had been preached above the law, superstitious formalities elevated above religion, and the property and rights of the subject most decried;[1] and it became quite the fashion to put forth these doctrines in public and solemn sermons before the King.[2] The sheriffs in the several counties

[1] "Ministers in their pulpits," said Wentworth, talking, in his days of patriotism, of the sovereign's monstrous claim to the subject's estate, "have preached it as gospel and "damned the refusers of it."

[2] I find in the Journals of the 10th of November, a notice of motion for

were no longer named in the usual course; but, when they escaped being the victims of oppression, were made its instruments. They were either pricked for sheriffs as a punishment and charge, or as mere agents or commissioners[1] to execute what the Council would have to be done. So, no less, it fared with the magistracies and places of great trust in the counties. Whosoever had shown the wish to maintain religion, liberty, and the laws, were weeded out of the commission of peace, and all employments of influence in their districts; which afterwards passed, by secret bribery or open purchase, into the least worthy hands. Titles of honour, serjeantships of law, and places affecting the common justice of the kingdom, were made matters of open bargain in this way, passing to men of the weakest parts; and of course what were ill gotten were ill administered and ill used. Nor did the course of terrorism and corruption, thus taking in the middle and higher grades, and already stretching down, as we have seen, to the lowest, stop until the highest were reached. It had its consummation only at the very council table of the King. There sat councillors, who were councillors only in name; and whose sole use was to confirm, in a few, the real power and authority. Though otherwise persons of never so great abilities and honour, whosoever opposed those few were marked out for discountenance and neglect; and the resolutions of state which were brought to the table, were not offered for debate and deliberation, but for countenance and execution.

insertion in the Remonstrance, to which no name is attached, of "The "sermons preached in divers places "before the King that the subject had "no property in his estate."

[1] Adverting to the common and ordinary instructions of the Council to the various commissions they issued against the subject, that they should "proceed according to their dis-"cretion"—it had been well said in the house by Hyde himself: "Such a "confusion hath this 'discretion' pro-"duced, as if discretion were only "one remove from rage and fury. No "inconvenience, no mischief, no dis-"grace, that the malice, or insolence, or "animosity of these commissioners had "a mind to bring upon that people [he is speaking of the assumed jurisdiction of the Court of York], but, thro' the "latitude and power of this 'discre-"tion,' the poor people have felt. "This 'discretion' hath been the "quicksand which hath swallowed "up their property, their liberty. "I beseech you, rescue them from "this 'discretion.'"

Such being the state of the kingdom in the closing months of 1639 (I now proceed to state the substance of the next 15 clauses, from the 61st to the 75th inclusive) all things appeared ripe for putting the finishing touches to the great design of the leading men, the few just named, which, as was now made sufficiently obvious, had three distinct parts. A solemn adjudication of ship-money had been lately obtained; and the Government was to be set free from all restraint of laws in regard to persons and estates. There must be an identification (only not as yet to be called Popery) betwixt Papists and Protestants, in doctrine, discipline, and ceremonies. And the Puritans,[1] who remained still as the English wall or partition flung up against Rome, must be either rooted out of the kingdom with force, or driven out by fear (61, 62, 63, 64). The main stumbling-block to the entireness of the plan was Scotland; and Laud, bent on doing the work thoroughly, now struck in there, with his service book, his new canons, and his liturgy. The Scots resisted; the Archbishop would not recede; and, occupying silently either side of the Tweed, two armies gradually arose (65, 66, 67).

But when they were ready to encounter, counsels of fear, if not of prudence, led to the pacification of Berwick; which had however hardly been completed, when Strafford resumed his place at the council board, condemned the course that had been taken, and advised what he declared to be the Crown's last and best resource, the summoning of a parliament.[2] Not indeed to give counsel and advice,

[1] "Whosoever squares his actions "by any rule, either divine or human, "he is a Puritan; whosoever would "be governed by the King's laws, he is "a Puritan; he that will not do what-"soever other men would have him "do, he is a Puritan. Their great "work, their masterpiece, now is, to "make all those of the true religion "to be the suspected party of the "kingdom."—*Sir Benjamin Rudyard*, Nov. 7, 1640.

[2] The subjoined is characteristic of the feeling of the time.

"The 27 of March, 15 Car. 1639, "his Majestie rode through Roiston "to Yorkeward, there to meete his "army, &c. It was told me, April 1, "that whereas it is an use to deliver "billes to the sicke to be praid for "in this manner; one from the church "dore, perhaps in the throng, pulles "another by the shoulder, and gives "him the note or bill, he another "&c. untill it come to [the] clerke; "the clerke, at the preacher's comming "into the pulpit, delivers them to "him, &c. Some one had put up a

but to restrict itself to the giving of countenance and supply; for to men who had corrupted and distempered the whole frame and government of the kingdom, the attempt also to corrupt what alone could restore all to a right frame again, was become matter of safety and necessity. If the plan should succeed, and parliament be pliant, the session would be continued, and mischief established by a law. If it should fail, and parliament be stubborn, the session would at once be broken, and the Crown absolved for using foul means by the pretence of having endeavoured to use fair (68, 69, 70, 71, 72). Simultaneously with the issue of writs, went forth levies for a new army, with fresh acts of violence against the Scots. At the same time, Strafford, passing over into Ireland, called together a parliament in Dublin; wrested from it four subsidies; and, without concealing the purpose for which they were designed, summoned levies of eight thousand foot and one thousand horse from the well-appointed army, chiefly of Papists, which he had been able to raise in that kingdom (73, 74, 75).

The meeting of the Houses at Westminster on the 13th April, 1640; the demand of twelve subsidies for the release of ship-money alone; the temperate tone of both the Commons and the Lords, and the sudden and intemperate dissolution; occupy clauses 76, 77, and 78. The next twenty-six, from the 79th to the 104th inclusive, describe the momentous interval before the assembling of the Long Parliament.

On the very day of the dissolution of the Parliament of April, the King's most powerful Counsellor advised that he was now absolved from all rule of government, and entitled to supply himself out of his subjects' estates without their consent.[1] A vigorous levy of ship-money was

"bill which the preacher wold not "reade, but let it fall. The bill was "thus: *John Commonwealth's-man "of Great Britaine, being sicke of "the Scottish disease, desires the "prayers of this congregation for a "parliament."*—*Diary of Rous*, 88.

[1] This memorable advice, which cost Strafford his head, was given on the 5th May, 1640; and it was from the notes of the elder Vane, taken that day at the Council Table, and

accordingly ordered; a forced loan was set on foot in the city of London; a false and scandalous Declaration against the House of Commons was issued in the King's name; on the day following the dissolution, some members of both houses had their studies and cabinets, "yea, their "pockets," searched;[1] and soon after, for having maintained the privilege of parliament, one of the members of the lower house was committed from the Council Table. Harsher courses were contemplated, and the report of them went abroad; but the sickness of the Earl of Strafford, and a tumultuous rising in Southwark and about Lambeth,[2] were supposed to have intercepted the execution of them. (Clauses 79, 80, 81, 82, 83, 84.)

Nevertheless they failed to turn aside the Archbishop

subsequently found by his son and handed to Pym, that the evidence was obtained against him.

[1] "Sir William Beecher was com-"mitted to the usher of the blacke "rod for not disclosing his warrant to "serche the pockets of Erle of War-"wicke, Lord Say, Lord Brooke, pre-"sently after the last parliament "broken up. It was done the next "morne to the Lord Say and Lord "Brooke in bedde; the Lord Brooke's "lady being in bedde with him. The "King at length affirming that he "commanded it, he was released." —*Diary of Rous*, p. 101.

[2] "Upon the dissolution of the par-"liament (5th May, 1640) presently "were two insurrections in one weeke, "at Southwark and Lambeth; in the "first the White Lion pryson was "broken and prisoners set free, &c; "in the second, Lambeth House in "hazard, &c. One man was taken, "and hanged and quartered." — *Diary of John Rous*, p. 90. Clarendon tells us (*Hist.* i. 253) that the reference to the Lambeth riots in the Remonstrance received modification during the debates. What he says is characteristic, as well for its dishonest reference to those riots (for which one man suffered execution), as for its allusion to Mr. Strode. "This infamous, scandalous, "headless insurrection, quashed by "the deserved death of that one var-"let, was not thought to be con-"trived or fomented by any persons "of quality, yet it was discovered "after in the House of Commons by "Mr. Strode (one of those Ephori who "most avowed the curbing and sup-"pressing of Majesty) with much "pleasure and content; and it was "mentioned in the first draught of "the first Remonstrance (when the "same was brought in by Mr. Pym) "not without a touch of approbation, "which was for that reason somewhat "altered, though it still carried "nothing of censure [judgment] upon "it in that piece." It is quite true, as Clarendon alleges, that only one man suffered death for this disturbance, but it was not the clemency of the Government, but of one of the few upright judges of the day, which had prevented other capital prosecutions. "Judge "Reeve," says Rous, November, 1640, "this summer assizes did in South-"warke refuse to proceede upon the "inditement of one of the Lambeth "tumult, saying that he wold have "no hand in any man's bloud; but, "because the fellow had been busie, "&c. remitted him to prison againe." 101.

from his eager and unswerving advance to Rome. Undaunted and undeterred by discontents and tumults, never did he and the other bishops follow up that purpose more actively than in those six memorable months. If any before could have doubted what they aimed at, now it was made plain to all. For now it was that, with the authority of a so-called provincial synod, canons were put forth declaring things lawful which had no warrant of law; justifying altar-worship, and other superstitious innovations;[1] setting at defiance the usages and the statutes of the realm; trampling alike on the property and liberty of the subject, the rights of parliament, and the prerogative of the King; and showing that they who would set the crown above the laws, would also set themselves above the crown. They imposed new oaths; they taxed the great mass of the clergy for the King's supply;[2] they fomented the quarrel with Scotland, which they fondly styled *Bellum Episcopale;*[3] they composed, and enjoined to be read in the churches, a prayer against the Scots as rebels, of which the object was to drive the two nations to irreconcileable bloodshed; and, above all, upon authority of their pretended canons and constitutions, they proceeded to such extremities of suspension, excommunication, and deprivation against good ministers and well-affected people, as left the passage easier than it yet had seemed to their design of reconciliation with Rome. (Clauses 85, 86, 87.)

[1] "They would evaporate and "dispirit the power and vigour of re-"ligion, by drawing it out into solemn "specious formalities, into obsolete "antiquated ceremonies new furbished "up."—*Sir Benjamin Rudyard*, 7th Nov. 1640.

[2] "Sir, imagine it!" exclaimed Mr. Harbottle Grimston. "See what "a pitch they have flown. A synod "called together upon pretence of "reconciling and settling contro-"versies in religion, take upon them-"selves the boldness, out of parlia-"ment, to grant subsidies and to "meddle with men's freeholds! I say, "the like was never heard of before; "and they that durst do this will "do worse, if the current of their "raging tyranny be not stopped in "time."

[3] In the last great debate on the Remonstrance, Falkland (of all men in the world) took objection specially to this passage; feeble and faint transcription as it is of what, some few months earlier, he was never wearied of himself urging and repeating in fiery and passionate speeches.

For it was part of the design that the Papists at this time should receive peculiar exemptions from the penal laws, besides many other encouragements and court favours.[1] They possessed, in the King's secretary of state, Sir Francis Windebank, a powerful agent for speeding all their desires. They had a resident Pope's Nuncio, by whose authority, under direct instructions and influences from Rome itself, all the most influential of the nobility, gentry, and clergy of that persuasion held secret convocations after the manner of a parliament. So led and strengthened, they erected new jurisdictions of Romish Archbishops; levied taxes; secretly stored up arms and munition; and were able to set in motion such powerful agencies, at the Court and in the Council, that it actually there became matter of debate whether or not to issue to

[1] The celebration of mass, though illegal, was openly connived at; but woe to the protestant who declined attendance at his parish church because he would not bow to the altar! He was punished first by fine, and, on a repetition of his refusal, by transportation. "It hath been more dangerous," exclaimed Falkland, in his speech upon grievances in the Short Parliament, "for men to go to some "neighbour's parish where they had "no sermon in their own, than to be "obstinate and perpetual recusants. "While masses have been said in se"curity, a conventicle hath been a "crime; and, which is yet more, the "conforming to Ceremonies hath been "more exacted than the conforming to "Christianity." In like manner the Roman Catholics were singled out for special concessions of monopolies. "They grew," says Clarendon, "not "only secret contrivers but public pro"fessed promoters of, and ministers "in, the most grievous projects; as that "of soap, formed, framed, and exe"cuted by almost a corporation of that "religion, which, under that license "and notion, might be, and were sus"pected to be, qualified for other agi"tations" (i. 262). Fancy the monopoly of such a necessity as soap in the hands of a corporation of Roman Catholics, using it to impose the worst articles at the highest price upon all classes of the people. "Continual complaints "rise up," writes Garrard to Lord Deputy Wentworth, "that it burns "linen, scalds the laundress's fingers, "and wastes infinitely in keeping, "being full of lime and tallow." And fancy the same sort of thing going on with respect to every conceivable thing on which a tax could be laid, or out of which a monopoly could be formed. Salt, starch, coals, iron, wine, pens, cards, dice, beavers, belts, bone-lace, meat dressed in taverns (the vintners of London gave the King 6000*l.* for freedom from this horrible imposition), tobacco, wine casks, game, brewing and distilling, lamprons, weighing of hay and straw in London, guaging of red herrings, butter-casks, kelp and seaweed, linen cloth, rags, hops, buttons, hats, gut-string, spectacles, combs, tobacco-pipes, sedan chairs and hackney coaches (now first invented), saltpetre, gunpowder, down to the privilege of gathering rags exclusively — all these things were subject to monopolies, and all heavily taxed!

some great men of the party, under private conditions and instructions, a commission for the raising of soldiers. And thus there was moulded within this State another State independent in Government, opposed in affection and interest, secretly corrupting the careless, actively combining against the vigilant, and in this posture waiting the opportunity to destroy those whom it could not hope to seduce.[1] (Clauses 88 to 94 inclusive.)

But a crisis came unexpectedly. At the moment when any further illegal pressure on the subject seemed hope-

[1] The close and powerful reasoning of the Remonstrance shows how inseparable Religion and Politics had become. Each was to be stabbed only through the side of the other. Wherever, indeed, any writer, such as Hume has sought to put a distinction between the modes of regarding these subjects pursued by the statesmen of this Parliament, contrasting their profound capacity, undaunted courage, and largeness of view in civil affairs, with their supposed narrowness and bigotry in religion, he has simply shown how imperfect and narrow had been his own study and preparation for the task of doing justice to such men. Let me illustrate what is said in the text by one of the most masterly expositions ever made of the true state of the case, and of the real issue that was then to be determined. "Sir," said Sir Benjamin Rudyard, in perhaps the most eloquent of all the speeches delivered in the great debates of November 1640, "if we "secure our Religion, we shall cut off "and defeat many plots that are now "on foot by them and others. "Believe it, Sir, Religion hath been "for a long time, and still is, the "great design upon this kingdom. "It is a known and practised prin-"ciple, that they who would intro-"duce another religion into the "Church, must first trouble and dis-"order the government of the State, "that so they may work their ends "in a confusion: which now lies at "the door. . . . . I have often "thought and said, that it must be "some great extremity that would "recover and rectify this State; and "when that extremity did come, it "would be a great hazard whether it "might prove a Remedy or Ruin. "We are now, Mr. Speaker, upon "that vertical turning point, and "therefore it is no time to palliate, "to foment our own undoing. . . . "To discover the diseases of the State "is (according to some) to traduce the "Government; yet others are of "opinion that this is the half-way "to the cure. . . . Men that talk "loudly of the King's service and yet "have done none but their own, that "speak highly of the King's power "yet have made it a miserable "power producing nothing but weak-"ness, these are they who have always "peremptorily pursued one obstinate "pernicious course. First, they "bring things to an extremity; then "they make that extremity, of "their own making, the reason of "their next action, seven times "worse than the former. And there, "Sir, we are at this instant. They "have almost spoiled the best insti-"tuted Government in the world, for "sovereignty in a king, for liberty to "the subject; the proportionable tem-"per of both which, makes the hap-"piest State for power, for riches, "for duration."

less, his Majesty's treasure was found to be consumed, and his entire revenue to be anticipated. Though the prisons were filled with commitments from the Council Table,[1] yet "multitudes" who had refused illegal payments still hung in attendance at its doors. Several of the sheriffs had been dragged up into the Star Chamber from their respective counties, and some had been imprisoned for not having levied ship-money with sufficient vigour. In a word, the source of non-parliamentary supply was exhausted. The people, with no visible hope left but in desperation, languished, beginning to seem passive under grief and fear; and the King's chief advisers suggested a subscription to supply his wants, to which they made very large personal contribution. But the example was lost on the class to which alone with any effect the appeal could be made. For now the Nobility themselves, weary of their silence and patience, began to be sensible of the duty and trust which belonged to them as hereditary counsellors of the Crown; and some of the most ancient of them petitioned his Majesty for the redress to which his subjects were entitled.[2] Which Petition had yet borne no

[1] "Many are daily imprisoned "for refusing to lend the King, so "that the prisons in London are full; "and it's thought they shall be sent "and imprisoned in divers gaols in "the country, remote from their own "dwellings."—*Walter Yonge's Diary*, p. 105.

[2] This memorable Petition, which was afterwards the subject of special thanks in both houses, which bore attached to it the names of the Earls of Bedford, Bristol, Hertford, Essex, Mulgrave, Paget, Warwick, and Bolingbroke, of the Viscounts Say and Seale and Mandeville, and of the Lords Brook and Howard, has never been so correctly printed as in the copy now subjoined. Every word has its weight and value.

"The humble Petition of your Ma-"jesty's most loyal subjects, whose "names are here underwritten, in be-"halfe of themselves and many others.

'Most Gracious Sovereign:

'The sense of that duty and service 'which we owe unto your Majesty, and 'our earnest affection to the good and 'welfare of this your realm of England, 'have moved us, in all humility, to 'beseech your Majesty to give us leave 'to offer unto your most priucely wis-'dom, the apprehension which we, and 'other your faithful subjects, have con-'ceived, of the great distempers and dan-'gers now threatening the Church and 'State, and your Royal Person, and of 'the fittest means by which they may 'be removed and prevented.

'The Evils and Dangers whereof your 'Majesty may be pleased to take notice 'are these:

'1. That your Majesty's sacred person 'is exposed to hazard and danger in the 'present expedition against the Scotish 'armie: and by the occasion of this war, 'your revenues much wasted; your sub-'jects burthened with Coat and Conduct 'Money, with Billeting of Souldiers and 'other Military Charges, with divers 'rapines and disorders committed in

fruit, when the Scots, oppressed in their consciences, restrained in their trades, impoverished by the seizure of their ships in English and Irish ports, and hopeless of satisfying the King by any naked unsupported supplication, forced the passage of the Tyne at Newburn with a powerful army, and having possessed themselves of Newcastle, there, out of brotherly love to the English nation, stayed their march, and gave the King leisure to entertain better counsels. A cessation of arms was determined upon for a certain fixed period, and all differences were referred in the interval to the wisdom and care of the ancient council of the nation. A Parliament was summoned to meet on the 3rd November, 1640. (Clauses 95 to 104 inclusive.)

The great deeds done by this memorable assembly during the first twelve months of its existence, are then, in no boastful or vainglorious spirit, detailed by their authors. History speaks to us, here, while yet in the very process of creation; and, by a rare privilege, records

'several parts in this your realm by the 'souldiers raised for that service; and 'your whole kingdom become full of 'care and discontent.

'2. The sundry innovations in matters 'of Religion, the Oath and Canons 'lately imposed upon the clergy, and 'other your Majesty's subjects.

'3. The great Increase of Popery; and 'Employing of Popish Recusants, and 'others ill-affected to the Religion by 'Law established, in places of power and 'trust, especially in commanding of Men 'and Armes both in the Field and in 'sundry Counties of this your realm: 'whereas by the Laws they are not permitted to have Armes in their own 'houses.

'4. The great mischief which may fall 'upon this kingdom, if the Intention, 'which hath been credibly reported, of 'bringing in of Irish and foreign forces 'should take effect.

'5. The urging of Ship-money, and 'prosecution of some sheriffs in the Star-'chamber for not Levying of it.

'6. The heavy charges upon Merchan-'dize, to the discouraging of Trade. The 'multitude of Monopolies, and other 'Patents, whereby the Commodities and 'Manufactures of the Kingdom are much 'burthened, to the great and universal 'Grievance of your people.

'7. The great grief of your subjects 'by the long Intermission of Parliaments, 'and the late and former Dissolving of 'such as have been called, without the 'happy effects which otherwise they 'might have produced.

'For remedy whereof, and prevention 'of the danger that may ensue to your 'Royal person, and to the whole State,

'We do, in all humility and faithful-'ness, beseech your most excellent Ma-'jesty, that you would be pleased to 'summon a Parliament within some 'short and convenient time, whereby the 'cause of these and other great griev-'ances which your people and your poor 'Petitioners now lye under, may be 'taken away, and the Authours and 'Councellours of them may be there 'brought to such Legal Tryal and con-'dign punishment as the nature of their 'several offences shall require; and that 'the present War may be composed by 'your Majesties wisdom without effusion 'of blood, in such manner as may conduce 'to the honour and safety of your Majes-'ties person, the content of your people, 'and the unity of both of your realms 'against common enemies of the Re-'formed Religion.'

"And your Majesty's Petitioners shall "always pray, &c."

the actions of her heroes in language they have themselves left to us. They do not understate the work they had to do; nor do they exaggerate their own power in doing it. All opposition, they remark, seemed to have vanished when first they met. So evident were the mischiefs, so manifest the evil of the counsellors responsible for them, that no man stood up to defend either. Yet very arduous was the work of reformation. The difficulties seemed to be insuperable, which by the Divine Providence they overcame: the contrarieties incompatible, which yet in a great measure they reconciled. (Clauses 105 and 110.)

It was not only that the multiplied evils and corruption of sixteen years strengthened by authority and custom, and that the powerful delinquents whose interests were identified with their continuance, were together to be brought to judgment: but that two armies were to be paid, at a cost of near 80,000*l.* a month; that the King's household was to be supplied, in even its ordinary and necessary expenses; and that the people were yet to be tenderly charged, as already exhausted by unjust exactions (Clauses 106, 107, 108, and 109). And all this was done. During the year, twelve subsidies had been raised, to the amount of 600,000*l*; yet had the kingdom been substantially no loser by those charges. Ship-money, which drew supplies almost without limit from the subject, was abolished. Coat and conduct-money, and other military assessments, in many counties amounting to little less than ship-money, were declared illegal and removed. Monopolies, of which but the leading few, such as soap, wine, leather, and salt, prejudiced the common people to the amount of nearly a million and a half yearly, were universally suppressed.[1] And, what was

[1] No one was more eager against the Remonstrance, or fought every stage of it with a more impassioned resistance, than Sir John Culpeper, so soon to be appointed "for life" Chancellor of the Exchequer (until Hyde was ready to assume that office, when Culpeper became a lord and Master of the Rolls); yet it was he who, at the meeting of the Long

more beneficial than all, the root of these intolerable evils had been extirpated. The judgment of both houses, subsequently embodied in a statute, had put an end for ever to the arbitrary power pretended to be in the King, of taxing the subject, or charging their estates, without consent of their representatives in parliament. Judgment had been dealt, also, upon the living grievances; upon the evil counsellors, and actors, of treason to the commonwealth. The Earl of Strafford had perished on the scaffold. Lord Finch, the Lord Keeper, and Sir Francis Windebank, the Secretary of State, had taken flight into ignominious exile. Archbishop Laud and Judge Berkeley were lodged in the Tower. And such was the report gone forth of these memorable acts of retribution, that not the present only, but all future times, were like to find safety and preservation therein. (Clauses 111 to 124 inclusive.)

Parliament, had spoken that memorable speech against monopolies and projectors which might have supplied Sydney Smith with his famous diatribe on the universality of British taxation two hundred years later. "It is a nest of wasps, or "swarm of vermin, which have over-"crept the land—I mean the monopo-"lers and polers of the people. Like "the frogs of Egypt, they have gotten "the possession of our dwellings, and "we have scarce a room free from "them. They sup in our cup, they "dip in our dish, they sit by our fire. "We find them in the dye-fat, the "wash-bowl, and the powdering-tub. "They share with the butler in his "box. They have marked and sealed "us from head to foot. Mr. Speaker, "they will not bate us a pin. We "may not buy our own clothes with-"out their brokage." To illustrate the operation of some of these monopolies, a striking passage may also be taken from a speech of Pym's, in which he undertook to show that the gain of the King was wonderfully disproportioned to the loss of the subject. "In France, not long since, upon a "survey of the King's revenue, it was "found that two parts in three never "came to the King's purse, but were "diverted to the profit of the officers "and ministers of the Crown; and it "was thought a very good service "and reformation to reduce two parts "to the King, leaving still a third "part to the instruments that were "employed about getting it in. It "may well be doubted if the King "have the like or worse success in "England. For instance, he hath "reserved upon the monopoly of "wines thirty thousand pound rent a "year; the vintner pays forty shil-"lings a tun, which comes to ninety-"thousand pounds; the price upon "the subject by retail is increased "twopence a quart, which comes to "eight pounds a tun, and for forty-"five thousand tun brought in yearly "amounts to three hundred and sixty "thousand pounds; which is three "hundred and thirty thousand pounds "loss to the kingdom, above the "King's rent!"

Through ten succeeding clauses the great recital continued. The abolition of the Star Chamber, of the High Commission, and of the Courts of the President and Council in the North, as of so many forges of oppression, misery, and violence,[1] was exultingly detailed. And those votes of both Houses were recounted, which had taken away the immoderate power of the Council Table; had blasted for ever the design of overriding gospel and law by canons of the Church; had struck down the exorbitancies of bishops and their courts; had punished scandalous ministers; had reformed the forest laws; had put an end to the encroachments and oppressions of the Stannary Courts; had abolished the extortions of the Clerk of the Market; had relieved the subject of the vexations of the old laws of knighthood; and, of all these and other as grievous public wrongs, left no more trace or vestige than might suffice to tell to future generations the story of the miseries they had caused.[2] (Clauses 127 to 136

[1] To what extent these courts might be, and were, made to minister to oppression, could only be shown by a relation too particular for this place; but there is a letter from Ralph Verney to his friend James Dillon, describing Prynne's fine and punishment, which remarkably illustrates the reckless liberty of indulgence to private spleen and passion, on which they were all based, and by which all were governed. The judgment for a fine, as will be observed, was taken on the average of the various sums suggested.

1638—4. *February 26th.* "I did "but even now receave a letter from "you, wherein you desire an account of "Mr. Prinn's censure. To satisfie "you therein. He is to be degraded "in the Universitie, disbarred at the "Innes of Court; he was fined in "foure thousand pounds by some, by "others in 5,000li., in 6,000li., in "10,000li; but which of these does "now stand I cannot resolve you, "because I counted not in which of "these summes most of the Lords did "agree; but I believe it was in "4000li. He was withall condemned "to the losse of his eares, whereof he "is to part with one at Westminster, "with the other at Cheapside, where, "whilest an officer doeth execution on "him self, the hangman is to doe "execution on his booke, and burne "it before his face. He is withall to "suffer perpetuall imprisonment by "the decree of the Starr Chamber. "*There were of the lords, that counted "this not enough; they would have "his nose slitt, his arme cutt of, and "penn and inke for ever withheld "from him; but these were but fewe, "and their censure stood not.*"

[2] A clause introduced in the course of this summary, having reference to the Court of Requests, was subsequently objected to by the liberal leaders, and on a division was rejected by 187 to 123 (this was the first division on the great day when the final vote was taken), Sir John Clotworthy and Sir Thomas Barrington

inclusive.) In the same recital, but standing apart from the general statement of redress, was the mention (Clauses 125 and 126) of the two memorable statutes, for triennial parliaments, and for prevention of any abrupt dissolution of the existing parliament, as constituting not only a remedy for the present, but a perpetual spring of remedies for the future; and, closing the statement (Clauses 137 to 142 inclusive), was a sketch or intimation of other contemplated measures, which the existence of those two safeguards had enabled them to prepare with some reasonable certainty of enactment even before the close of the session. Among them were laws and provisions for defining and settling the powers of the bishops; for abating pride and idleness in the clergy; for easing the people of needless and superstitious ceremonies; for removing unworthy, and maintaining godly, preachers; for so establishing the King's revenue, as both to cut off superfluities, and make more certain all necessary payments; for so regulating courts of justice as to abridge both the delays and the costs of law; for better settling of the currency, and equality of exchanges; for increasing manufactures and facilitating trade; for putting an end to the iniquities of press-money;[1] and for so improving the herring fishery on their own coasts, as not only to give large employment to the poor, but to create and cherish a plentiful nursery of seamen.

Then arose, in connection with this mention of laws so desirable to be passed, the consideration of such and so many obstructions and difficulties then lying across the path to their accomplishment, as might even prove strong enough, and obstinate enough, to defy removal. The

being tellers for the majority, and for the minority, Mr. Stanhope and Sir F. Cornwallis.

[1] In the Schedule of Grievances before referred to appears "the com-"pelling some free-men, by imprison-"ment and threatening, to take "presse-money; and others, for feare "of the like imprisonment, to for-"sake their place of habitation, "hiding themselves in woods, where-"by their families are left to y^e^ "charge of the parish, and harvest "worke undone for want of labourers." —*Diary of Rous*, p. 92.

heart of the Remonstrance lay here; and its authors made no secret of their aim in so shaping and directing it. The malignant party, they frankly declared, representing still the authors and promoters of all the miseries and wrongs therein described, had taken heart again. Even during the present parliament, that party had been enabled again to prefer to degrees of honour, and to places of trust and employment, some of its own factors and agents; and had used this influence to work, in the King, ill impressions and opinions of the proceedings of the House of Commons: as if its members had altogether done their own work and not his, and had obtained from him many things very prejudicial to the Crown, both in respect of prerogative and profit. To wipe out which last-named slander, they thought it good to declare, that, —in voting 25,000*l.* a month for the relief of the Northern Counties, in voting 300,000*l.* by way of brotherly assistance to the Scots, and in voting above 50,000*l.* a month for the charge of the army,—all these sums, which, with the addition of monies yielded by assessments on merchandize, amounted to a million and a-half sterling, had been contributed to the greatness, the honour, and the support of the King. He was bound to protect his subjects; and his subjects might well have claimed exemption from contributing to the relief of burthens, created by the very wrongs inflicted on themselves. Yet, out of their purse, since the present parliament met, had this million and a half been voted to his Majesty, by those very members of the House of Commons whom the ill-affected were now so "impudent" as to reproach with having done nothing for the King! (Clauses 143 to 153 inclusive.)

As to the other reproach put forth to justify the slander, and touching mainly the question of prerogative, it was met with challenge as frank and resolute. While they acknowledged with thankfulness, and in most impressive language, that the King had given his consent, during the preceding ten months, to more good

bills for the advantage of the subject than had been in many previous ages, they yet claimed to remember the venomous councils which had since gone far to obstruct and hinder the benefits from these good acts. They proceeded to instance, one by one, the four statutes,—the Triennial Bill, the Bill for Continuance of the Parliament, and the two Bills for Abolition of the Star Chamber and High Commission,—singled out to establish the charge of having prejudiced the Crown in prerogative as well as profit (in none other could be found so much as the shadow of pretence for such a charge); and they declared themselves content to rest, upon no other than these four, the issue whether or not they had been careful, ever, to avoid desiring anything that should weaken the Crown in its just profit or its useful power. The Star Chamber and High Commission had ceased, for sometime before their abolition, to bring in any considerable fines; and, fruitful to the last in oppression, were so no longer in revenue. The Triennial Bill had fallen short of what the ancient law, existing still in two unrepealed statutes appointing parliaments each year, would have justified them in demanding. And though there might indeed seem to have been, in the Bill against putting an end without its own consent to the Parliament then sitting, some restraint of the royal power in dissolving parliaments, it was to be remembered that the design of that statute was by no means to take the authority out of the Crown, but simply to suspend its operation for the specific time and occasion. Without it, the great pecuniary charges heretofore described could never have been undertaken: the first consequence whereof must have been, the giving up of both armies to confusion and of the kingdom to plunder; and the first and greatest sacrifice, that of the public peace and of the King's own security. (Clauses 154 to 161 inclusive.)

Thus far the slander of the ill-affected had reached, in relation to the King. But it had taken also a wider range; and,—by such aspersions as that the House of

Commons had spent much time and done little work, especially in the grievances concerning religion; and that it pressed upon the kingdom with peculiar burthens, not only by the voting of many subsidies heavier than any formerly endured, but by excess in the protections against suits and debts granted to its members,—the attempt had been made to damage, with the people, the reputation of their representatives, and to bring the English nation out of love with Parliaments. Yet was there truly a ready answer, if they to whom such slander was addressed would but look back and forward. Before they judged this Parliament, let them look back to the long growth and deep root of the Grievances it had removed, to the powerful supports of the Delinquents it had struck down, to the great necessities of the Commonwealth for which it had provided,—let them look forward to the many advantages which not the present only but future ages would reap, from the laws it had passed and the work it had accomplished,—and where was the indifferent judgment, to which its burden laid upon the subject would not seem lighter than in any former example, and to which its time spent in deliberation would not appear to have been better employed than a far greater proportion of time in many former parliaments put together? In the only direction where it was possible that just reason for complaint might exist, already a bill was under discussion to provide a remedy; and any undue stretching of those protections[1] from suit and arrest which were necessary to the discharge of the functions of a legislator, would now very speedily be removed. (Clauses 162 to 168, inclusive.)

But what was the character of the men, and what their daily practices and efforts, by whom these slanders had been busily dispersed? They were the same men who most busily had sown division between the sister kingdoms, and striven to incense against each other the subjects of

[1] "By which the debts from parliament men, and their followers, and dependants, were not recoverable." —*Clarendon, Hist.* ii. 55.

one Crown. Who had been able so to influence the bishops, and a party of Popish lords in the upper house, as to create those very obstructions and delays for which the lower house was assailed. Who had laboured, not unsuccessfully, to seduce and corrupt some even of the representatives of the people, and to draw them into combinations against the liberty of parliament. Who, by their instruments and agents, had tampered with the King's army for the same wicked and traitorous purpose, and had twice engaged in plots to bring up a force to overawe the deliberations of the House of Commons, and to seize the persons of its leaders. Whose designs with this view, as well in Scotland as in England, had still been defeated, before ripe for execution, by the vigilance of the well-affected; but who had been so far more successful in Ireland, that not till the very eve of the day when the main enterprize should have been executed at Dublin, was discovery made, by God's wonderful providence, of their scheme to possess themselves of that whole country, to subvert totally its government, to root out and destroy the protestant religion, and to massacre all without exception, of whatever sex or age, who were bred in it, or likely to be faithful to it. Which devilish design was so far pursued notwithstanding, that open rebellion had broken out in other parts of the Irish kingdom, many towns and castles had been surprized, many murders and villanies unutterable perpetrated,[1] all bonds

[1] It has been reserved for our own time, after such a lapse of years as might have seemed to render wholly incredible the possibility of a recurrence of such horrors, to furnish a parallel to the unutterable cruelties perpetrated in this Irish Rebellion. "The innocent Protestants" (I quote the historian May, no vehement or exaggerated writer) "were upon a "sudden disseised of their estates, "and the persons of above two hun- "dred thousand men, women, and "children murthered, many of them "with exquisite and unheard of tor- "tures, within the space of one "month. . . Dublin was the sanc- "tuary of all the despoiled Protestants, ". . and what mischiefs soever were "acted in other parts, were there "discovered and lamented. Their "eyes were sad witnesses of the rebels' "cruelty in such wretched spectacles "as daily from all parts presented "themselves: people of all conditions "and qualities, of every age and sex, "spoiled and stripped . . . And be- "sides the miseries of their bodies,

of obedience to the King and the laws shaken off, and such a fire in general kindled as nothing but God's infinite blessing upon the measures and endeavours now in progress would be able to quench. And to that so miserable tragedy in Ireland, but for the great mercy of Providence in confounding former plots, this country of England would have been made to furnish the lamentable prologue. (Clauses 169 to 180 inclusive.)

"And now," proceeded this memorable Declaration, in

"their minds tortured with the losse "of all their fortunes, and sad remem- "brance of their husbands, wives, or "children, most barbarously mur- "dered before their faces . . . But "that part of this woful tragedy pre- "sented to the eyes was the least, "and but the shadow of that other "which was related to their ears, of "which the readers and all posterity "may share the sorrow. Many hun- "dreds of those which had escaped, "—under their oaths lawfully taken "upon examination, and recorded "with all particulars,—delivered to "the Councill what horrid massacres "the bloody villains had made of "men, women, and children; and "what cruel inventions they had to "torture those whom they murdered: "scarce to be equalled by any the "most black and baleful story of any "age. Many thousands of them at "several places (too many to be here "inserted), after all despites exercised "upon them living, were put to the "worst of deaths: some burned on "set purpose, others drowned for "sport and pastime; and if they "swam, kept from landing with poles, "or shot and murdered in the water: "many were buried quick, and some "set into the earth breast high, and "there left to famish. But most "barbarous (as appears in very many "examinations) was that cruelty "which was showed to pregnant "women, whom the villains were not "content to murder, but ——. But "I am loath to dwell upon so sad a "narrative."—Lib. 2, cap. i. 14. Let a brief passage from the authentic *Rushworth* (Part III. vol. i. p. 416-7) complete the horror, and with it the appalling parallel to incidents which have plunged this living generation into mourning. "For such of the "English as stood upon their guard, "and had gathered together, though "but in small numbers, the Irish "fairly offered unto them good con- "ditions of quarter, assured them "their lives, their goods, and free "passage, and as soon as they had "them in their power, held them- "selves disobliged from their promi- "ses, and left their soldiers at liberty "to despoil, strip, and murder them "at pleasure . . . Their servants "were killed as they were ploughing "in the fields, husbands were cut to "pieces in the presence of their wives, "their children's brains were dashed "out before their faces . . their goods "and cattle seized and carried away, "their houses burnt, their habitations "laid waste, and all as it were at an "instant, before they could suspect "the Irish for their enemies, or any "ways imagine that they had it in "their hearts, or in their power, to "offer so great violence, or do such "mischief." Clarendon's own touch- ing account (viii. 9, and elsewhere) of the barbarous circumstances of cruelty with which, in the space of less than ten days, an incredible num- ber of protestants, "men, women, "and children promiscuously, and "without distinction of age and sex," were murdered—must be familiar to every reader of his History.

language which its authors might fairly have claimed to be remembered on all occasions afterward when their deeds or their motives were called in question—"And "now, what hope have we but in God? The only means "of our subsistence, and power of Reformation, is, under "Him, in the Parliament; but what can we, the Com- "mons, without the conjunction of the House of Lords? "and what conjunction can we expect there, when the "Bishops and recusant Lords are so numerous and "prevalent, that they are able to cross and interrupt our "best endeavours for Reformation, and by that means "give advantage to this malignant party to traduce our "proceedings?

"They infuse into the people that we mean to abolish "all Church Government, and leave every man to his own "fancy for the service and worship of God, absolving "him of that obedience which he owes under God to his "Majesty; whom we know indeed to be intrusted with the "ecclesiastical law as well as with the temporal, to regu- "late all the members of the Church of England—though "by such rules of order and discipline only as are estab- "lished by Parliament; which is his great council in all "affairs, both in Church and State.

"They have strained to blast our proceedings in par- "liament by wresting the interpretations of our Orders "from their genuine intentions. They tell the people "that our meddling with the power of Episcopacy hath "caused sectaries and conventicles, when it is Idolatry,[1] "and the Popish Ceremonies introduced into the Church "by command of the Bishops, which have not only "debarred the people from them, but expelled them from

[1] No expression was so hotly contested in the house as this of *Idolatry*. It was debated, as the reader has been already told, with extraordinary vehemence; the clause containing it was recommitted twice; Falkland and Culpeper were added to the Committee appointed "to pre- "pare the clause in such a manner "as may be agreeable to the sense of "the House;" and after a division taken on the question of whether it should stand, which was carried by a majority of twenty-five, it was again, on the final debate, vehemently discussed.

" the kingdom. And thus, with Eliab, we are called by this " malignant party the troublers of the State; and still, " while we endeavour to reform their abuses, they make " us authors of those mischiefs we study to prevent.

" We confess our intention is, and our endeavours have " been, to reduce within bounds that exorbitant power " which the Prelates have assumed unto themselves, so " contrary both to the word of God and to the laws of the " land: to which end we passed the Bill for the removing " them from their temporal power and employments, that " so the better they might with meekness apply themselves " to the discharge of their functions, which Bill they " themselves opposed, and were the principal instruments " of crossing.[1]

" And we do here declare that it is far from our pur- " pose or desire to let loose the golden reins of discipline " and government in the Church, leaving private persons " or particular congregations to take up what form of " divine service they please: for we hold it requisite that " there should be, throughout the whole realm, a con- " formity to that order which the Laws enjoin according " to the word of God. But we desire to unburden the " consciences of men of needless and superstitious cere- " monies, to suppress innovations, and to take away the " monuments of idolatry.[2]

[1] This clause was strenuously contested to the last, and on the day when the final division on the Remonstrance was taken, as will hereafter be seen, it was again put to the vote.

[2] Clarendon more than once imputes the main authorship of the Remonstrance to Pym; but the share taken in it by that great statesman is yet more satisfactorily established by the extraordinary number of passages in it, identical in style, in manner, and often in the most precise expression, with his printed speeches. The passages on Church government quoted above are among the many such proofs from internal evidence. In themselves they are remarkable, and they agree exactly with the tone and terms of the brief but impressive "Declaration and "Vindication" which the maligned leader of the popular party put forth, with his own name, against the calumnies of the royalists during the year preceding his death. "That I am, "ever was, and so will die, a faithful "son of the Protestant Religion, with- "out having the least relation, in my "belief, to the gross errors of Ana- "baptism, Brownism, or any other "revolt from the orthodox doctrine of "the Church of England, every man "that hath any acquaintance with my

"The better to effect which intended Reformation, we "desire there may be a General Synod of the most grave, "pious, learned, and judicious divines of this island, "assisted with some from foreign parts, professing the "same religion with us; who may consider of all things "necessary for the peace and good government of the "Church, and represent the results of their consultations "unto the Parliament. There, to be allowed of, and "confirmed; and receive the stamp of authority where-"by to find passage and obedience throughout the "kingdom.

"We have been maliciously charged with the intention "to destroy and discourage Learning, whereas it is our "chiefest care and desire to advance it, and to provide "such competent maintenance for conscientious and "preaching ministers throughout the realm as will "be a great encouragement to scholars, and a certain "means whereby the want, meanness, and ignorance "to which a great part of the clergy is now subject, "will be prevented. And we have intended likewise to "reform and purge the Fountains of Learning, the two "Universities, that the streams flowing from thence may "be clear and pure, and an honour and comfort to the "whole land."

So ran the eleven clauses of the Great Remonstrance from the 181st to the 191st inclusive. Fourteen more, from the 192nd to the 206th, carried it to its close. In these were frankly indicated the measures which the people were entitled to demand, as their only safe or

"conversation can bear me righteous "witness. These are but aspersions "cast upon me by some of the dis-"contented clergy, and their factors "and abettors; because they might "perhaps conceive that I had been a "main instrument in extenuating "the haughty power and ambitious "pride of the bishops and prelates .. "And was it not high time to seek to "regulate their power, when, instead "of looking to the cure of men's "souls (which is their genuine office), "they inflicted punishment on men's "bodies, banishing them to remote "and desolate places, bringing in "papistical ceremonies by unheard of "canons into the Church, imposing "burdens upon men's consciences "which they were not able to bear, "and introducing the old abolished "superstition of bowing to the altar?"

sufficient guarantee against the recurrence, at any moment, of the wrongs and the sufferings of the past sixteen years. The groundwork of these measures, I may remark, was precisely that which formed afterwards the basis of the settlement by which alone the Monarchy was again firmly established in England. It comprised safeguards against the Roman Catholic religion; security for the better administration of the laws; and conditions for the future selection of only such counsellors and ministers by the King, as the Parliament might have reason to confide in.

For the first, it was laid down broadly that the principles of those who professed the Roman Catholic religion so certainly tended to the destruction and extirpation of all Protestants, whenever they should have opportunity to effect it, that it was absolutely necessary to keep them in such condition, as that they might not be able to do any hurt;[1] and that such connivance and favour, therefore, as had theretofore been shown to them, should thereafter be avoided.[2] With this view his Majesty was moved to

[1] The expression is exactly that which Pym had employed in his speech on grievances in the Short Parliament, in a passage which vindicates his memory from any imputation of intolerance. It is always with the prudent spirit of the statesman, and never with the unreasoning hatreds of the bigot, that this great speaker adverts to the Roman Catholic religion. "He did not desire any new "laws against Popery, or any rigorous "courses in the execution of those "already in force. He was far from "seeking the ruin of their persons or "estates; only he wisht they might "be kept in such a condition as "should restrain them from doing "hurt . . . The principles of Popery "are such as are incompatible with "any other religion. Laws will not "restrain them. Oaths will not. "The Pope can dispense with both "these; and where there is occasion, "his command will move them to "the disturbance of the realm, "against their own private disposi-"tion, yea against their own reason "and judgment, not only in spiritual "matters but in temporal. Henry "III. and Henry IV. of France were "no Protestants themselves, yet were "murthered because they tolerated "the Protestants. The King and the "kingdom can have no security but "in their weakness and disabilitie to "do hurt."

[2] It is not necessary to multiply illustrations of the thorough understanding of the character of the King, which appears in, and justifies, the various urgent warnings of the Remonstrance against his tendency to dangerous intercourse with Rome. But let me refer the reader to one of the latest and most decisive evidences on this point, furnished in the very curious and interesting volume of

grant a standing commission to some choice men named in Parliament, who might take watch of their increase, report upon their counsels and proceedings, and use all due means, by execution of the laws, to prevent mischievous designs, from that quarter, against the peace and safety of the realm. And it was further suggested, that some sufficient tests should be applied to that counterfeit and false conformity of Papists to the English Church, by colour of which persons greatly disaffected to the true religion had been admitted into places of highest authority and trust in the kingdom.

For the second, stipulation was made, that, for the better preservation of the liberties and laws, all illegal grievances and exactions should be presented and punished at the sessions and assizes; that judges and justices should be very careful to give this in charge to the grand juries; and that both the sheriff and the justices should be sworn to the due execution of the Petition of Right and other laws.

For the third, a series of precautions were suggested to meet those cases of not infrequent occurrence, when the Commons might have just cause to take exceptions at particular men for being selected to advise the King,

Letters written by Charles to his Queen in 1646, published by the Camden Society in 1856, and most carefully edited by Mr. John Bruce. In these letters will be found the most satisfactory of all evidence, under his own hand, of the otherwise incredible and utterly insane scheme by which he proposed, to that congenial helpmate who did more than all the rest of his advisers to bring about the tragedy of his death, that she should "invite the Pope and other "Roman Catholics to help me for the "restitution of Episcopacy in England, "upon condition of giving them free "liberty of conscience, and convenient "places for their devotions. . . I de-"sire thee not," he adds, "to com-"municate this motion to any of the "French ministers of state, but I "would have thee to acquaint the "Cardinal with it, requiring his "assistance, for certainly France is as "much obliged to assist me as honour "can make it." p. 42. The intended mode of doing it was worthy of the thing to be done. The Queen was to get the French government to invade England with 6000 men, and with these, and double the number of Irish Roman Catholics, Charles proposed to provide for the safe re-establishment of the English Protestant Church and his own royal authority! —*Letters in* 1646, p. 24 and 25. And see Clarendon's *State Papers*, ii. 262.

and yet have no just cause to charge them with crimes. Seeing that there were grounds of diffidence which lay not in proof, and others which, though proveable, were yet not legally criminal (as, to be a known favourer of Papists, or to have been very forward in countenancing and supporting great offenders questioned in Parliament, or to have become notorious for a studied contempt of Parliamentary proceedings), the most cogent reasons might exist to be earnest with the King not to put his great affairs into such hands, though the Commons might be unwilling to proceed against them in any legal way of impeachment. It was then plainly stated that supplies for support of the King's own estate could not be given, nor such assistance provided as the times required for the Protestant party beyond the sea, unless such Counsellors, Ambassadors, and other Ministers only were in future employed as Parliament could give its confidence to; and unless all Counsellors of State were sworn, as well to avoid receiving in any form reward or pension from any foreign prince,[1] as to observe strictly those laws which concerned the subject at home in his liberty.

And so this memorable Declaration ended, with a prayer that his Majesty might have cause to be in love with good counsel and good men; and, profiting by the humble and dutiful representations therein made, might acknowledge how full of advantage it would be, to himself, to see his own estate settled in a condition sufficing to support his honour, to see his people united in ways of duty to him and in endeavours for the public good, and, by the influence of his own power and govern-

[1] On Friday the 11th of December 1640, I find from a manuscript report of the proceedings of that day, Pym handed in several petitions, and among them one from "Joseph "Hawes and other merchants touch-"ing the wrongs done them at sea by "the Spaniards;" and moved that it should be referred "to the same com-"mittee appointed to consider of the "Turkish pirates and Algiers, and "to enquire what ministers of our "State do receive pensions from "foreign States."

ment, to see derived to his own kingdom, and procured to those of his allies, Happiness, Wealth, Peace, and Safety.

Such was the Declaration, the Great Remonstrance, which lay engrossed on the table of the house on Monday the 22nd of November 1641, waiting the final vote. The King, eager at last to reach London before that vote could be taken, was now hastening with all speed back from Edinburgh; and the fact that he was only distant a two days' journey was doubtless known to Pym, Hampden, and Cromwell, when they passed into the house that morning.

The Speaker was late, probably in expectation that he should have to sit long; and prayers were not over until a little after ten. There is then some business essential to be done, and honourable members eager for the great debate are fain to curb their impatience. Mr. Wheeler, the member for Westbury, has to report concerning a delinquent involved in the recent conspiracies. Sir John Price, the member for Montgomeryshire, has ill report to make of a Mr. Blany, a Welsh justice of peace. Mr. Strode has to complain of an order of the House as to a case in the Exchequer tending to throw discredit on himself, and to obtain correction of the same. Mr. Speaker has to prefer a petition from some hundred or so of the moniers of the mint, claiming to be exempt, by the precedents of four centuries, from contributing to the payment of the last six subsidies voted by the Commons; which petition, having been presented to the King, his Majesty had commended to Mr. Speaker for presentation this day, and by the House was now ordered to be referred to the committee for poll-money, some not very courtly members remarking that "these subsidies were given to the Commonwealth "and not to the King, and therefore they were not freed

" by any charter of exemption." But, above all, Mr. Pym has to report the result of a conference with the Lords the preceding Saturday on Irish affairs, and sundry important matters relating thereto. He has evidence to offer that " this design of Ireland was hatched in England." He has a petition bearing on these affairs to present from Sir Faithful Fortescue. He has to make an important suggestion for the transport, to Ireland, of the magazine at Hull; to get authority for the necessary estimates, from the officers of ordnance, as to the number of ships required for such transport; to take order for the immediate provision thereof; and to obtain means, by a vote of 4000*l.* to Mr. Crane, the victualler of the Navy, for the hastening away of other ships to guard the coast of Ireland.

So the time passed until the clock had struck twelve, when, as the members began to hurry out for dinner, cries became loud for the debate on the Remonstrance. Thereupon, order having been made (so little in some quarters, even then, was any debate of unusual duration expected) that the Irish business should be resumed as soon as the debate on the Declaration was done, and the order of the day for resumption of the latter subject having been read, Mr. Hyde rose and desired that the Serjeant might be sent with his mace to call up such members of the house as were then walking in Westminster Hall. It was a device to gain time, Mr. Hyde, we may presume, not liking to speak to thinly occupied benches; but on the other hand the liberal leaders were interested to have no time lost, and many resisted the proposal. After some debate, however, the objectors gave way, and the Serjeant with his mace departed accordingly.

The old House of Commons, it may be well here to remind the reader, now that a generation has grown up who never saw the narrow, ill-lighted, dingy room, in which for three centuries some of the most important business of this world was transacted, ran exactly at right

angles with Westminster Hall, having a passage into it at the south east angle. The Hall itself, in those days, shared in all the excitements of the House; and nothing of interest went on in the one, of which visible and eager indications did not present themselves in the other.

It was here, in the Hall, within an hour after the dissolving of the Short Parliament, that the cheerful and sanguine Mr. Hyde, with deeply despondent face, deplored gloomily that rash step to the dark and reserved Mr. St. John, who with laughter lighting up features rarely known to smile, rejoined briskly that all was well, and it must be worse before it would be better. It was here, upon the assembling of the Long Parliament, that Mr. Hyde had walked up and down conferring on the state of affairs with Mr. Pym, when that worthy and distinguished member told him they must now be of another temper than they had been heretofore, and must not only sweep the house clean below, but must pull down all the cobwebs which hung in the top and corners, that they might not breed dust, and so make a foul house hereafter. It was here the King himself was so soon to enter on his ill-fated errand against the five members, striking such a fear and terror, according to a manuscript report now before me, "into all those that kept shops in the said "Hall, or near the gate thereof, as they instantly shut up "their shops.[1] For here also such trades as those of booksellers, law-stationers, sempstresses, and the like, found customers among the variously idle, busy, or curious people, continually drawn together; and under the roof of the noble old Hall, whatever the business in progress might be within the Courts adjoining or in the Chapel beyond, might be heard the old city cry of *What d'ye lack?* addressed to lawyers walking up and down till

[1] Booksellers, law-stationers, sempstresses—these and other trades akin to these, now and for some time later, plied their callings in the place; and Laud notices in his Diary a narrow escape of the Hall from being burnt down, owing to a fire in one of the stalls.

their cases in the Bench or Exchequer come on, to clients in attendance to consult with their lawyers, to politicians anxious for news, and to members of either house escaping from committees or debates. As those of the lower house, however, for whom Mr. Hyde sent the Serjeant and his mace, have doubtless by this time been collected, it is our business to enter St. Stephen's with them and observe the aspect it presents.

The entire length of the room in which the members sat was something less than the breadth of Westminster Hall; and, handsome as it originally had been, with its rich architecture and decorated paintings of the thirteenth century, it had lost all trace of these under boards and whitewash immediately after the Reformation, when also a new floor above, and a new roof under the old, still more abridged its proportions. At the western end, the entrance was between rows of benches, passing the bar, and underneath a gallery into which members mounted by a ladder on the right-hand corner, near the southern window. At the eastern end, a little in advance of a large window looking on the river, stood the Speaker's chair; and again, a little less in advance of that towards the middle of the floor, stood the Clerk's table, at which sat Henry Elsyng, and John Rushworth his lately appointed assistant, with their faces to the mace and their backs to the Speaker. Then, on right and left of the Speaker, in benches stretching along and springing up as in an amphitheatre on either hand, were assembled the honourable members. There they sat, puritan and courtier, the pick and choice of the gentlemen of England; with bearded faces close-cut and stern, or here and there more gaily trimmed with peak and ruff; faces for the most part worn with anxious thoughts and fears, heavy with toil, weary with responsibility and care, often with long imprisonment; there they sat, in their steeple hats and Spanish cloaks, with swords and bands, by birth, by wealth, by talents, the first assembly of the world. And there, presiding in his great chair surmounted by the arms

of England, sat Mr. Speaker; also hatted, cloaked, and sworded like the rest; but not always treated by them, nor in sooth always treating them, with the respect which has gathered to his office in later time.

It was but a few weeks, for example, before the late recess, that that honourable barrister and member for Melcombe Regis, Mr. Richard King, took upon himself to declare, that, in a particular rebuke which Mr. Speaker had addressed to another honourable member, he had "transgressed his duty in using so disgraceful a speech "to so noble a gentleman;" and though the House interfered to protect their Speaker, and Mr. King was commanded to withdraw into the Committee Chamber, the matter ended in but "a conditional apology with which "the House was not satisfied but the Speaker was." The noble gentleman whom it vexed Mr. King to see treated with disrespect was the younger brother of Lord Digby, Mr. John Digby, member for Milborn Port; who, on the day when his brother would have been expelled the House of Commons if the King's letters-patent had not issued the night before calling him to the House of Lords, "came into the house, and getting upon the ladder "that stands at the door of the house by which the "members thereof usually go up to those seats which are "over the same door under the gallery, he sat still upon "the said ladder;" whereupon the Speaker, doubtless coupling the act, as a sign of disrespect, with a display of insubordination by the same young gentleman on discussion of his brother's case the previous day, "called "out to him, and desired him to take his place, and not "to sit upon the said ladder as if he were going to be "hanged: at which many of the House laughed," and Mr. King, as aforesaid, was indignant. The incident leaves us at least no room for doubt, that, though the Speaker's powers were in their infancy as yet, and his claim to proper consideration only grudgingly admitted, he had nevertheless as unruly an assemblage to deal with, as the powers and consideration conceded him in modern parliaments have

found themselves barely equal to govern.[1] Incessant certainly were the rebukes offered, and the rebuffs received, by Mr. Speaker Lenthal; who, setting aside the one notable act of his career, had but commonplace qualities of his own to sustain him; and who, in especial, seems often to have found (herein perhaps not differing from later experiences in the same seat) the dinner-hour an almost insuperable difficulty. As it has been with many a modern Mr. Speaker between the hours of seven and eight in the evening, so fared it with Mr. Lenthal between twelve and one mid-day.[2] Not a great many

[1] Even Sir Simonds D'Ewes himself, one of the most prim and precise of men, and a very Grandison of propriety in regard to all customs, orders, records, and authorities of the House, in which he was a marvellous proficient, yet indulges himself without scruple, when any occasion arises, in a sneering disrespect to Mr. Speaker. On the second of December 1641, for example, there is quite a passage of arms between them. It begins with D'Ewes, "sitting in my usual place "near his chair," correcting Mr. Speaker on a point of order connected with a summons to conference with the lords. Then, upon D'Ewes moving to have the Londoners' petition read over again, Mr. Speaker takes his turn by interposing that it is the worthy member's own fault to have been absent at the reading on the previous day; but has to cry D'Ewes mercy on the latter pleading his absence that day at Hampton Court, by order of the House itself, to assist in presenting the Great Remonstrance to the King. Then Mr. Waller gets up to speak, and handles both the points started, as well the conference with the lords as the Londoners' petition. To him succeeds D'Ewes, who also enlarges upon both subjects under various heads, until Mr. Speaker becomes manifestly uneasy. "Having proceeded thus "far or a little further, I perceived "the Speaker often offering to rise "out of his chair as if he intended to "interrupt me." An explanation follows. Mr. Speaker thinks D'Ewes out of order in not taking points separately, first the matter of conference with the lords, and then the Londoners' petition afterwards. "Whereupon I stood up again and "said, 'Truly, sir, I am much be-"'holding to you for admonishing "'me, but if you had been but "'pleased to have informed the "'gentleman who spoke last before "'to both the particulars, you would "'have saved me my labour, for I "'did but follow his method;' at "which the House laughed; and the "Speaker being half ashamed of "what he had done, stood up again "and confessed that he did permit "Mr. Waller, &c., and now he left "it to the House, &c." Other similar instances might be quoted. One had occurred, in reference to a point on the passing of the Subsidy Bill, on the previous 13th of February, 1640-1, when the Speaker had predicted all sorts of ill consequences from a particular course of procedure, and D'Ewes is careful to inform him (and us) that "no inconvenience had followed."

[2] There is a pleasant passage in Clarendon's *Life* (i. 90), where he expressly excepts certain leading members from this habit of rushing out at the time of dinner, and describes what plan they adopted. When their

days before the present sitting, the rush of members out of the house at that hour, during a debate on supply, had been such that he was fain flatly to tell them "they were "unworthy to sit in this great and wise assembly in a "parliament that would so run forth for their dinners."[1] And now, though the Serjeant has returned with several members from the Hall, so many more continue absent from the house at this clamorous hour, that Mr. Hyde still waits and defers to speak.

While he does this yet a few minutes longer, let us seize the occasion to observe where some of the prominent people sit. The member whose manuscript record chiefly has been quoted, Sir Simonds D'Ewes, will guide us to the knowledge here and there, in jotting down his own speeches; for as it was then the custom to avoid mention as well of the place represented as of the member's name, the principal mode of indicating a previous speaker[2] was by some well known personal quality,

hours had become very disorderly, he says, the house seldom rising till after four of the clock in the afternoon, he used to be frequently invited ("im-"portuned" he calls it) to dine with the party of whom Pym was the leader, and often went with them accordingly to "Mr. Pym's lodging, which "was at Sir Richard Manly's house, "in a little court behind Westminster "Hall, where he, and Mr. Hampden, "Sir Arthur Haselrig, and two or "three more, upon a stock kept a "table, where they transacted much "business, and invited thither those "of whose conversion they had any "hope." It was after one of these dinners, the summer evening being fine, that Nathaniel Fiennes having proposed to Mr. Hyde to ride into the fields and take a little air, they two sent for their horses, and, while riding in the fields between Westminster and Chelsea, Mr. Fiennes did his best to convert Mr. Hyde from his notions as to the government of the Church.

[1] This will explain a saying of Lord Falkland's reported in one of the suppressed passages of Lord Clarendon's History, recently restored (ii. 595, Appendix F), "that they who "hated bishops, hated them worse "than the devil; and they who loved "them, loved them not so well as "they did their dinners."

[2] Thus old Sir Harry Vane, refering to D'Ewes himself (June 26, 1641) "is sorry to miss the gentleman out "of his place who is so well versed "in records;" and in like manner Sir Robert Pye characterises him (July 1, 1641) "that learned gentleman who "was so well skilled in records—*and "then he looked at me.*" Sir Ralph Hopton is "that ancient parliament "man." Mr. Cage, member for Ipswich, is "my old neighbour behind "me," or "an old gentleman who used "to sit here behind me." Sir Thomas Barrington, member for Colchester, is "as ancient a parliament man as "Mr. Cage, though not of as many "years." "No man did more "honor and love that worthy mem-

or by his position in the house. Sir Simonds himself sat usually by the Speaker's chair, on the lowermost form close by the south end of the clerk's table; and there, whatever the subject of debate might be, or the excitement going on around him, this precise self-satisfied puritan gentleman sat, writing-apparatus forming part of his equipment, his eyes close to the paper (for their sight was defective), and ever busily taking his Notes: but it was his custom, when he spoke, to go up two steps higher, that he might more easily be heard by the whole house. In this position, Mr. Harry Marten, the member for Berkshire, was "the gentleman below." Mr. Pym, the acknowledged chief of the majority of the Commons, is ever in his "usual place near the Bar," just beyond the gallery on the same right-hand side of the house at entering. Sir John Culpeper, member for Kent, and so soon to be Chancellor of the Exchequer, is "the gentleman on "the other side of the way."[1] He sat upon the left-hand side; and near him, most generally together, sat Hyde and Falkland; Mr. Geoffrey Palmer, the member for Stamford, and Sir John Strangways, sitting near. On the same side at the upper end, on the Speaker's right, sat the elder Vane, member for Wilton, for a few days longer Secretary of State and Treasurer of the Household; near whom were other holders of office. Sir Thomas Jermyn, his Majesty's Comptroller, who sat for Bury St. Edmund's; Sir Edward Herbert the Attorney-General, who sat for Old Sarum; Oliver St. John the Solicitor-General, member for Totness, still holding the office in the King's service which had failed to draw him over to the King's side; Mr. Coventry, member for Evesham and one of the King's house;[2] and young Harry

"ber that spake last than myself," are words in which an allusion to Pym is conveyed. And Mr. Denzil Holles is "the worthy gentleman "whom I very much respect.

[1] "I desired that the gentleman "on the other side of the way—*and "then I looked on Sir John Culpeper,* "—*&c.*"

[2] "For if the gentleman on the "other side who last pressed it—*and "then I looked towards Mr. Coventrie,* "*&c.*"

Vane, member for Hull, and Joint-treasurer of the Navy; all sat in this quarter, on the Speaker's right. Near them sat also Mr. Edward Nicholas, clerk of the Council, soon to be *Sir* Edward and Secretary of State in place of Windebank, now an anxious auditor and spectator of this memorable debate, which he was there to report to the King. Between these members and Hyde, on the same side of the house, sat the member for Wilton, Sir Benjamin Rudyard; Sir Walter Earle; William Strode; and lawyer Glyn, the member for Westminster. Mr. Herbert Price, the member for Brecon, with Mr. Wilmot, member for Tamworth, and a knot of young courtiers, sat at the lower end of the house on the same side, immediately on the left at entering. John Hampden sat on the other side, behind Pym; and between him and Harry Marten, sat Edmund Waller; on one of the back benches, Cromwell; not far from him, Denzil Holles; and under the gallery, the member for Oxford University, the learned Mr. Selden.[1] Near him sat lawyer Maynard, the other member for Totness; and over them, in the gallery itself, that successful lawyer Mr. Holborne; Sir Edward Dering; and the member for Leicestershire, Sir Arthur Haselrig. But our list must come to a close. The reader has been detained too long from the debate on the Great Remonstrance.

Hyde opened it, in a speech of great warmth[2] and great length. The general ground of objection he took was that a Declaration so put forth was without precedent; and he questioned the power of the House, in so far as this was defined by the words used in the writs of election, to make, alone, a remonstrance to the people, without the

[1] "I said that I did prize what-"soever should fall from the pen or "tongue of that learned gentleman "under the gallery—*and then I* "*looked towards Mr. Selden, &c.*"

[2] *Mr. Philip* Warwick, young courtier as he was, and admirer of all things courtly, could yet detect the points in which the King's principal advocate in the house was weak, as well for himself as his cause. "Mr. "Hyde's language and style," he remarks, "were very suitable to busi-"ness, if not a little too redundant." —*Memoirs*, p. 196.

concurrence of the Lords. Arguing from this, he asserted that the form of the Declaration touched the honour of the King, and that it ought not, for that reason, to be made public or circulated among the people. Such a publication could only be justified by having peace for its end, and here every such object would be frustrated. In the Remonstrance itself, apart from these considerations, he did not deny that there might be a propriety. The members of the house were accused to have done nothing either for King or kingdom. It was right to repel that charge. But if a parliament must make an apology, let them show what they had done without looking too far back. They may desire themselves to see, but they should not divulge, their own infirmities, any more than a general the defects of his army to the enemy. All was true, if expressed modestly. But such passages as Sir John Eliot's imprisonment under the King's own hand, and his wanting bread,[1] were ill-expressed. Let them be chary of Majesty. They stood upon their liberties even, for the Sovereign's sake: lest he should be King of mean subjects, or they subjects of a mean King.

Lord Falkland rose immediately after Hyde, and, as his wont was, spoke with greater passion in his warmth and earnestness; his thin high-pitched voice breaking

[1] In Sir Ralph Verney's Note of the debate (p. 121), this passage stands, "Sir John Eliot's imprison-"ment under the King's own hand, "and *the King's* wanting bread, ill "expressed." It is clear, however, that the words marked in italics are a repetition by mistake from the previous line. Clarendon in his History (ii. 51) affects to quote, in the exact words of the Remonstrance as it passed ("after many unbecoming ex-"pressions were cast out"), the passage respecting Eliot; and he quotes it in inverted commas, thus: "One of "which died in prison, *for want of* "*ordinary refreshment*, whose blood "still cried for vengeance." The "want of ordinary refreshment" in the history, is clearly the same as "wanting bread" in the speech; yet certainly the Remonstrance as printed says no such thing, and the words, if ever there, must have been among the unbecoming expressions cast out. The passage really runs thus: "Of "whom one died by the cruelty and "harshness of his imprisonment, "which would admit of no relaxa-"tion, notwithstanding the imminent "danger of his life did sufficiently "appear by the declaration of his "physician. And his release, *or at* "*least his refreshment*, was sought by "many humble petitions. And his "blood still cries, &c."

into a scream, and his little, spare, slight frame trembling with eagerness. He ridiculed the pretension set up in the Declaration to claim any right of approval over the councillors whom the King should name; as if priest and clerk should divide nomination and approval between them. He denounced it as unjust that the concealing of delinquents should be cast upon the King. He said (forgetting a former speech of his own going directly to this point)[1] it was not true to allege that Laud's party in the Church were in league with Rome; for that Arminians agreed no more with Papists than with Protestants. And with the power to make laws, why should they resort to declarations? Only where no law was available, were they called to substitute orders and ordinances to command or forbid. Reminding them of the existing state of Ireland, and of the many disturbances in England, he warned them that it was of a very dangerous consequence at that time to set out any remonstrance: at least such a remonstrance as this, containing many harsh expressions. Above all, it was dangerous to declare what they intended to do hereafter, as that they would petition his Majesty to take advice of his parliament in the choice of his privy council; and it was of the very worst example to make such allusion as that wherein they declared that already they had committed a bill to take away bishops' votes. He pointed out the injustice of imputing to the bishops generally the description of the Scotch war as *bellum episcopale*, which he asserted had been so used by only one of them. He very hotly condemned the expression of "bringing in idolatry," which he characterised as a charge of a high crime against all the bishops in the land. And he denounced it as a manifest contradiction and absurdity, that after reciting, as they had indeed sufficient cause to do, the many good laws passed by a parliament of which bishops and Popish lords were component members, they should end by declaring that while bishops and Popish

[1] See *ante*, p. 39.

lords continued to sit in parliament no good laws could be made.

Falkland was followed by Sir Edward Dering, who was so well pleased himself with the speech he proceeded to deliver, that he afterwards committed it, with another spoken in the preliminary debates, to print, with a preface which cost him his seat in the house;[1] and until very

[1] Under date the 2nd February, 1641-2, D'Ewes gives curious and amusing evidence in his Journal of the anger awakened in wise grave men by this very silly publication of Sir Edward Dering's. Oliver Cromwell takes the lead in vehemently denouncing the book. D'Ewes himself chimes in as violently, for that "in "this scandalous, seditious, and "vain-glorious volume," he does "so "overvalue himself as if able of him-"self to weigh down the balance of "this house on either side, &c., &c." Then Sir Walter Earle moves to call in the book. But to this D'Ewes very sensibly objects, "for that by so "doing the price of it would rise from "fourteen pence to fourteen shillings, "and hasten a new impression." Finally, Cromwell moves and carries that the obnoxious volume shall be burnt "next Friday:" on which occasion doubtless Palace-yard was duly illuminated by the small bonfire. But perhaps there was really more reason than lies immediately on the surface for the resentment with which the House regarded the publication by its members of their speeches, unauthorised by itself. It gave some sort of sanction to another publication of a still more unauthorised description, which had lately become not uncommon, and by which many members suffered not a little. I quote one of the entries of D'Ewes in his Journal under date the 9th February, 1641-2. "After prayers I said that "much wrong was offered of late to "several members by publishing "speeches in their names which they "never spake. I had yesternight a "speech brought me by a stationer "to whom one John Bennet, a poet "lodging in Shoe-lane, sold it for "half-a-crown to be printed. He "gives it as my speech at a confer-"ence when there was no conference." This is probably one of the first glimpses to be got in our history of the now ancient and important penny-a-lining fraternity. The danger and the annoyance, however, were greater from the interpolated and falsified versions, now also abundantly put forth, of speeches really spoken in the house, than from the pure inventions of which D'Ewes complained. I may add that the inventions were not limited to speeches only. Petitions affecting to represent the feeling of large classes of people were got up in the same way! On the 25th of January, 1641-2, the matter of a Royalist petition from Hertfordshire was before the house, and the subjoined curious entry is made in D'Ewes's Notes. "Thomas Hulbert, one of the framers "of the Hertfordshire petition, sent "for as a delinquent; also Martin "Eldred, one of the penners of the "same. The said Martin Eldred, "being called into the house, did "acknowledge that Thomas Hulbert, "a young scholar of Cambridge, did "draw the said false petition of "Hertfordshire in his presence; and "that they sold it to the said John "Greensmith, a stationer, for half-a-"crown, which the said Greensmith, "being called on, did likewise con-"fess; and that he printed it. I "said there were now abiding in, and "about London, certain loose beg-"garly scholars who did in ale-houses

recently, this publication by the member for Kent was supposed to be the only fragment which had survived of the debates on the Grand Remonstrance.[1] Nor was it by any means a bad speech, though for the interests of his party it was hardly a discreet one. They would fain indeed have prevented his rising so early in the debate, but as yet Pym resolutely kept his place, and the field was open to all comers.

Dering began by enlarging on the importance of the matter in discussion as far transcending any mere bill or act of parliament. Of what was so put forth, he warned them, the three kingdoms were but the immediate or first supervisors; for all Christendom would be attracted by the glass therein set up, and would borrow it to view their deformities. Then let them not dismiss in haste what others would scan at leisure. It was to be considered, first, whether their constituents were looking for such a Declaration. If not, to what end did the House so decline? Wherefore such descension from a parliament to a people? The people looked not up for any so extraordinary courtesy. The better sort thought best of that House; and why should its members be told that the people were expectant for a Declaration. "My consti- "tuents," continued Sir Edward, "don't want it. They "do humbly and heartily thank you for many good laws

"invent speeches, and make speeches "of members in parliament, and of "other passages supposed to be "handled in, or presented unto, this "house. That the license of print- "ing these scandalous pamphlets is "grown to a very great heighth, "&c." Wherefore the indignant Sir Simonds would have Mr. Thomas Hulbert, and Mr. Martin Eldred, and Mr. John Greensmith forthwith conveyed to the Gate-house.

[1] The gloom was broken by such additional brief notices as were supplied by the appearance, a few years ago, of Sir Ralph Verney's valuable *Notes of Proceedings in the Long Parliament*, most intelligently edited by Mr. Bruce; but the existence of the manuscript materials which have supplied me with the main portions of the account now laid before the reader in this Essay, was not suspected, even so late as Mr. Bruce's publication. The report supplied in my text of the particular debate now in progress, is the result of a careful comparison of the notes of Verney and D'Ewes, each having been used to correct and complete the other. Fragments of Verney's notes, I should add, were known to Mr. Serjeant D'Oyley and Mr. Hallam some years before their publication by Mr. Bruce.

"and statutes, and pray for more. That is the language "best understood of them, and most welcome to them. "They do not expect to hear any other stories of what "you have done, much less promises of what you will do. "Mr. Speaker," he added, "when I first heard of a "Remonstrance, I presently imagined that, like faithful "counsellors, we should hold up a glass *unto his Majesty.* "I thought to represent, unto the King, the wicked "counsels of pernicious counsellors; the restless turbu- "lency of practical papists; the treachery of false judges; "the bold innovations, and some superstition, brought in "by some pragmatical bishops and the rotten part of the "clergy. I did not dream that we should remonstrate "downward, tell stories to the people, and talk of the "King as of a third person." The orator was here upon delicate ground, and had perhaps some warning as he spoke that his footing was unsafe. He did not dispute, he already had remarked, the excellent use and worth of many pieces of the Declaration; but what was that to him, if he might not have them without other parts that were both doubtful and dangerous? He felt strongly, with the learned noble lord who spoke last (Falkland), that to attribute an introduction of idolatry to the command of the bishops was to charge those dignitaries with a high crime. He did not deny that there had been some superstition in doctrines and in practices by some bishops, but flat idolatry introduced by express command was quite another thing. He objected that to refer to the decision of Parliament the order and discipline that were to regulate the Church, would be to encourage sectarianism; and he further objected that these, and other similar passages, appeared to have been introduced by the Committee without being first discussed and recommended to them from the House. Then, taking up the closing averments in the Declaration as to the desire of its promoters for the advancement of learning by a more general and equal distribution of its rewards, he avowed his opinion that this object would be defeated if the great prizes in the Church were

abolished. "Great rewards," he said, "do beget great "endeavours; and certainly, Sir, when the great Basin "and Ewer are taken out of the lottery, you shall have "few adventurers for small plate and spoons only.[1] If "any man could cut the moon out all into little stars,— "although we might still have the same moon, or as "much in small pieces, yet we should want both light and "influence."

Much beyond this flight, even the member for Kent could not be expected to soar; and forcible and lively as many parts of his speech had been, its general tone and tendency had also been such, that greatly must the impatience and fears of his friends have been relieved by his preparation to resume his seat, after some further enlargements of his argument for the patronage and diffusion of learning. He ended by stating, that because he neither looked for cure of complaints from the common people, nor did desire to be cured by them; because the House had not recommended all the heads of the Remonstrance to the Committee which brought it in; and because they passed his Majesty, and remonstrated to the people; he should give his vote with Mr. Hyde.

When Dering resumed his seat, Sir Benjamin Rudyard rose. It could hardly fail but that much interest should be felt as to the part he would take on this occasion. He was not a leader in the house; but his speeches had the influence derived from singularly eloquent expression, from his age and character, from that long experience of parliaments in which he rivalled even Pym himself, and from his gravity, courtesy, and moderation of tone. In these qualities the Historian of the parliament reports him as pre-eminent. "Cujus erant mores," he says, "qualis facundia;" instancing his oration at the

[1] There is no new thing under the sun; and it hardly needs to remind the reader that Sydney Smith's famous argument in defence of the "prizes in the Church," in those three letters to Archdeacon Singleton which must for ever rank among the wittiest prose compositions in the language, had been exactly and almost literally reproduced from this speech of Sir Edward Dering's.

opening of the session as "a perfect exemplar" at once of the unsparing exposure of grievances, and of "the way of "sparing the King."[1] His known desire in this latter respect gave peculiar significance to what should now fall from him.

He began by stating that in his opinion it was absolutely requisite that the House should publish a Declaration, because this parliament had been slandered by so many. Of the slanderers he then spoke, as consisting of the papists, to whom all parliaments were hateful, but this worst of all; of the delinquents, whom the parliament had punished; and of the reckless class of libertines, who sought ever to throw off the restraints of parliament and law. Next he commented on the malignancy of the libels they had propagated so busily. Nevertheless, he continued, "whatsoever "they traduce, by God's assistance we have done great "things this parliament—things of the first magnitude. "We have vindicated the liberty of our persons, the free- "dom of our estates. We have gotten, by the King's grace "and favour, a triennial, a perpetual parliament, wherein "all other remedies and liberties are included. We have "done something, too, for religion; though I reckon that "last, because, I am sorry to speak it, we have done least "in that." Then, as if to guard against a too decisive tone against Hyde and his party, with whom he was never on unfriendly terms, he desired Mr. Speaker not to imagine that he approved ordinarily of parliament putting forth what might be called an apology. Truly he thought it went hard with a parliament when it was put to make an apology for itself, because apologies were commonly accounted suspicious; but the malignity and machinations of the times had here enforced it, in this instance had made it necessary. To the particular Declaration before the House, however, he had yet one objection to make. His vote went freely with the narrative part of it; but he must

[1] May's *History*: lib. i. chap. vii. Rudyard was now verging on his 70th year, having been born in 1572.

object to what he would call the prophetical part. He meant those clauses which set forth acts that were waiting to be passed, and measures intended hereafter. In that, it appeared to him, there was danger; and he doubted if there was precedent for it. It was to foresee the whole work of this parliament to come, and to bind it up by anticipation and engagement of votes beforehand. And he would humbly wish the House to consider, whether, if they failed in performing some few of the things they so promised and the world would expect, they might not lose more by non-performance of those few than they would be likely to get by all the rest of the Declaration. He resumed his seat with the remark that in any of these his doubts he should be glad to be resolved by better judgments.

He was succeeded by Mr. Bagshaw, the member for Southwark, whose effective speech on grievances at the opening of the session had for a time given him a place in the House which he failed to make good. He had now joined Hyde's party, but did them small service in this discussion. All that has survived of his speech are two objections to a passage in the Declaration as to the abuses of the law courts; and against the tendency of one expression, "the rest of the clergy," to comprehend and blame the whole of that profession.

Sir John Culpeper, Dering's colleague in the representation of Kent, and, after Falkland, Hyde's strength and reliance in the debate, spoke next; and we may suppose the speech, from the fragment of it that remains, to have been highly characteristic of the man.[1] With a ready

[1] "He seldom made an entire judgment of the matter in question, for "his apprehension was commonly "better than his resolution; and he "had an eagerness or ferocity that "made him less sociable than his other "colleagues; (for his education and "converse in the world had been in part "military) and his temper hasty."—Sir Philip Warwick's *Memoirs*, p. 196. "He might very well be thought a "man of no very good breeding; having never sacrificed to the Muses, or "conversed in any polite company."—Clarendon's *Life*, i. 106-8. In his *History* (ii. 94), he says that he could upon occasion, when he spoke at the end of a debate, as his custom often was, recollect all that had been said of weight on all sides with great exact-

elocution, he had a rough and hasty temper, and though, when he pleased, few were so qualified by memory and quickness to seize and reproduce all the points in a discussion, he seldom saw, or cared to see, more than that single point to which he chose to address himself. At all times in speaking, Hyde admits, he was warm and positive, uncourtly and ungraceful in his mien and motion, and somewhat indifferent to religion. His first objection now to the Remonstrance was that it spoke of altering the government of the Church, and would therefore offend the people; an argument which certainly no other speaker would have had the boldness to put in that form. He then declared his opposition to rest upon two grounds. The first was, that the Declaration was unnecessary. The parliament had not been "scandaled" by any public act, and therefore needed not to send out any declaration to clear themselves. The second was, that if this were not so, it was yet both unconstitutional and dangerous in its present form. Going but from that house, he said, it went but on one leg. All remonstrances should be addressed to the King, and not to the people, because it belonged to the King only to redress grievances. Their writs of election did not warrant them to send any declaration to the people, but only to treat with the King and the lords: nor had it ever been done by any parliament heretofore. It would be most dangerous for the public peace.

The member for Tavistock rose after him, and delivered a speech which in the manuscript record of the debate before me is characterised as an answer to what had been said by the various members who preceded him; and of which the fragment remaining, scanty as it is, shows that this was indeed its character. Even here its massive and equal proportions are manifest; and we may trace again the calm power and self-possession with which the veteran

ness, and express his own sense with much clearness, and such an application to the House, that no man more gathered a general concurrence to his opinion than he. This description, however, from other accounts, would seem to be much more applicable to the speaking of Pym.

leader of the Parliament appears to have passed in review the previous speakers, as his custom was in the great debates, and to have answered each. The boldness and plain speaking of his reference to the King was even for him remarkable.

To Hyde's appeal that the House should be chary above all things of the King's honour, Pym first replied that the honour of the King lay in the safety of the people, and that the members of that house had no choice now but to tell the truth. They had narrowly escaped great dangers, and the time was passed for concealment. The Plots had been very near the King. All had been driven home to the Court and the Popish party. To what the noble lord (Falkland) had objected against the alleged necessity of disallowing the votes of the Popish lords and their abettors the bishops, he answered that good laws passed in spite of those votes formed no answer to the assertion that the continued presence of such voters would prevent the future enactment of similar necessary laws. That debate itself might help to show how their dangers were increasing upon them; and "will any one deny," asked Pym, "that "the Popish lords and the bishops *do* now obstruct us?" Nor could he see any breach of privilege in naming them; for had they not heretofore often complained of particular lords being away, and of miscarriages that lords had occasioned? Where also, he desired to know, should be the danger apprehended by "the noble learned lord" in the recommendation to his Majesty not to choose such counsellors as that house might be unable to approve. "We "have suffered so much by counsellors of the King's "choosing," said Pym, "that we desire him to advise "with us about it." He maintained that this course was constitutional, and where was the objection to it? Many of the King's servants were known to have moved him about such counsellors, and why may not the parliament? He enlarged upon this; and illustrated the mischief of disregarding such advice by that quarrel with the first parliament upon the unwise treaty of peace with Spain,

which had been fraught with so many evils. The same worthy lord, and the knight who spoke after him in the debate, had objected to the expression *idolatry*. But for himself, he declared his opinion that altar-worship was idolatry; and such worship had undoubtedly been enjoined by the bishops in all their cathedrals. Coupling afterwards Sir John Culpeper's assertion as to the danger of disturbing the existing Church government, with Sir Edward Dering's urgent appeal against the danger of permitting sectarianism to intrude into the liturgy or service, Pym avowed his readiness to join in a law against sectaries, and remarked that they would most surely prevent the evil by going to the root of what caused it. Let them take care, then, that no more of such pious and godly ministers as were now separatists beyond the sea, should be driven out of England for not reading the Book of Sports. Adverting next to what had fallen from opponents of the Declaration in admission of the slanders thrown out against parliament, Pym challenged them to show that anything but a Declaration could take away the accusations that had so been laid upon the members of that house. To Dering's remark against the suggestion of a more equal provision for ministers of the Church, that it would interfere with the great prizes, he replied that he held it best that learning should be better provided for in the general than extravagantly rewarded in the particular. Another learned knight on the opposite benches (Sir Benjamin Rudyard) had objected to what he termed the prophetical part of the Declaration, but he would remind the worthy member that the Declaration did not prophesy, but said simply that which it believed to be fit, and might easily be done. The member who followed him (Mr. Bagshaw) had questioned the propriety of asserting that the Court of Chancery had grown arbitrary and unjust in their jurisdiction, but to this he replied that not the Chancery alone but every English court had of late years usurped unjust and arbitrary jurisdiction. To the worthy knight opposite (Sir John Culpeper) who averred that a decla-

ration going from this house alone, without having desired the lords to join, went but upon one leg, he answered that the matter of this particular declaration was in no respect fit for the lords. Many of the lords were accused in it. It also dealt throughout with subjects which had been agitated only in that house. The assertions made by the same honourable person, that all remonstrances should be addressed to the King, and that their writs of election did not warrant them to send any declarations to the people, were not borne out by the practice. Remonstrances were not in truth directed either to the King or the people, but showed the acts of the House. If it were desired to present the Declaration now before them to the King, it must be done by Petition prefixed to it; and for his own part he inclined that such should be the course. Honourable speakers had complained of a direction to the people in this case, but where was it? Such had not been the purpose, nor was it necessary. It would suffice that its contents should reach the people, and be read by them. And when, by means of the Declaration, it became known throughout England how matters stood, and how the members of the house had been slandered, it would bind and secure to them the people's hearts.

It was late in that November evening before Pym resumed his seat, but candles had been brought long ago, and the debate still went on. Orlando Bridgman, member for Wigan, so soon to be Sir Orlando and law dignitary to the King, rose next from among the group of lawyers seated near Hyde, and questioned Pym's view of the House's right to remonstrate or declare alone. They could only consent, counsel, and petition; and it was expressly said, in the indemnity of the Lords and Commons, that nothing should be reported out of either house, without consent of both houses. As for what had been said of the separatists driven beyond sea, he thought them a condition of men to be taken away, being they were not at all moderate. To the right of approval sought by the House for ever over all counsellors selected by the King, he

objected; and he thought the temporary ground alleged, of the necessity so to obtain security for a proper use of the money to be voted for the affairs of Ireland, a reason too particular to justify so general a demand.

Edmund Waller started up and spoke after Bridgman, and with ingenious and lively turns of expression, as his custom was. He thought the Declaration ill-named, he said. It was aimed more at the future than the past, and expostulated less with what had been done than with what was expected to be done. He thought it should be called, not a *Re*monstrance, but a *Pre*monstrance. And how unnatural were all such expedients for expressing the will of that House. Laws were the children of the parliament, and it did not become them to destroy their offspring by means of orders and declarations. By what authority, too, did they claim the right to control the King in the choice of his counsellors? Freeholders had power to choose freely the members of the House of Commons to make laws, and yet the King must not choose counsellors to advise according to law without the approbation of the House. In one sense it might indeed be a Remonstrance, but it was a Remonstrance against the laws.

John Hampden now rose. Little remains of what he said, but sufficient proof that he must have spoken, as he did ever, with calm decision, yet with that rare temper universally attributed to him in debate, and which even to a discussion so angry and passionate as this, could bring its portion of affability and courtesy. What were the objections, he asked, to this Declaration? When that House discovered ill counsels, might it not say there were ill counsellors, and complain of them? When any man was accused, might he not say he had done his endeavour? "And," continued the member for Bucks, "we say no "more in this." The party opposed to the members of the house was prevalent, and it was therefore necessary for them to say openly that they had given their best advice. That was declared in the Remonstrance, and no counter remonstrance could come against them, being it was

wholly true. Quiet and merely suggestive, however, as Hampden's general tone in this speech seems to have been, yet at least once, in the course of it, he rose to a higher strain. We have seen that Dering enforced his argument against using the power and revenues of the Bishops in any attempt to strengthen the Church by so giving influence and increase to the general body of the clergy, by remarking that if any man could cut the moon out all into little stars, although the same amount of moon might still remain in small pieces, both light and influence would be gone. Taking up this extravagant illustration, Hampden claimed to apply it differently. He asked the House to remember what authority they had for believing that the stars were more useful to the Church than the moon. And then he quoted from the Book of Revelations the passage[1] under which the perfect Church, the spouse of Christ, is figured, and warned them that when the woman should be clothed with the sun, the moon would be under her feet, and her head would be circled with stars.

The House had now been sitting, without interval or rest, for a length of time unexampled in any one's experience. It was nearly nine o'clock before Hampden resumed his seat, yet still the cries for adjournment were resisted amid excitement and agitation visibly increasing. D'Ewes had himself left the house soon after four in the afternoon. He foresaw, as he tells us, that the debate in the issue would be long and vehement; and having been informed by Sir Christopher Yelverton, member for Bossiney, that those who wished well to the Declaration did intend to have it pass without the alteration of any one word, he did the rather absent himself ("being also somewhat ill of "a cold taken yesterday") because there were some particulars therein which he had formerly spoken against, and could not in his conscience assent unto, although

[1] "And there appeared a great "wonder in Heaven: A Woman "clothed with the sun, and the "moon under her feet, and upon her "head a crown of twelve stars."—*Revelations*, xii. 1.

otherwise his heart and vote went with it in the main. His relation of what followed in his absence, therefore, was derived by him from other members of the house.

The resolution of which Yelverton informed D'Ewes, though relaxed upon a few points, appears to have been in the main steadily adhered to; and it was this resolved determination to resist all attempts at any material compromise, which tended more than anything else to prolong and exasperate the opposition. Several such attempts were made, but without success. Though verbal changes were assented to, and one clause was omitted,[1] it may be inferred, from the two divisions which immediately preceded those taken upon the main question, that such few previous changes were not made under the pressure of any adverse vote. The first was upon a proposition by the promoters of the Declaration to remove a clause to which they had found reason to object, and this they carried, in a house of three hundred and ten members, by a majority of sixty-four.[2] The second division, which was taken on the clause avowing the necessity and intention to reduce the exorbitant power of the bishops, ran closer, for, though in the interval, two members only had left the house, the liberal majority was only fourteen.[3]

[1] I subjoin what appears as to this in the Journals of the House. "Resolved, *That the Courts of Chancery, Exchequer Chamber, &c. are arbitrary and unjust in their proceedings*, to be left out; and to be added, instead thereof, *which have been grievous in exceeding their jurisdiction*. '*Loose persons*' to be made '*Libertines*.' Resolved upon the question, that these words '*which authority shall enjoin*, be made *which the law enjoins*. Resolved, *For to him they are best known*, that these words to be left out. Resolved, that the word '*First* be left out; and that the clause beginning with the word '*which*, and ending *kingdom*, be left out." This omitted clause, of which the subject is not now to be traced, was probably that to which D'Ewes referred when, after the remark quoted in the text, he added, "But those who desired the declaration might pass, were compelled, contrary to their resolution of which Sir Christopher Yelverton had informed me, to suffer many particulars to be altered, and amongst the rest that which I could not have assented unto."

[2] Sir Thomas Barrington and Sir John Clotworthy were tellers for the ayes, Sir Frederick Cornwallis (member for Eye in Suffolk) and Mr. Stanhope (member for Tamworth, and fourth son of Lord Chesterfield) for the noes.

[3] The numbers were 161 to 147,

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Still it sufficed; and no signs of receding were shown. More firmly than ever, therefore, as the night went on, the debate continued to rage; and what remains of the speech of Denzil Holles gives proof of a less tolerant and more defiant temper than any previous speaker had exhibited. He plainly avowed with what belief and expectation he was there to support the Declaration. The kingdom, he said, consisted of three sorts of men, the bad, the good, and the indifferent. The indifferent could turn the scales, and that kind of men it was their hope to satisfy by publishing this Remonstrance. In denial of what had been averred by Culpeper, Bridgman, and other speakers, he declared the House to be expressly empowered, by their writs of election, to do this; and he quoted, in proof, the language of the writ by which they were called *ad tractandum de arduis negotiis, &c.* As to the ability residing in either branch of the legislature to make declarations without the concurrence of the other, he said that it rested on grounds not to be assailed. The Lords had often made declarations without the Commons, as about the Irish nobility; and the Commons without them, as about the Duke of Buckingham. It had been objected that there were subjects on which they of that house were not entitled to advise his Majesty, but all necessary truths must be told. If kings were misled by their counsellors, the people's representatives may, nay they must, tell them of it. It was a duty which rested within safe limits. They only beseeched the King to choose good counsellors, for against such the House would never except.

Many members rose after Holles, but Speaker Lenthal's eye (a rule of precedence only lately adjudged to be settled)[1]

Sir Walter Earle and Mr. Arthur Goodwyn (Hampden's colleague in the representation of Bucks) telling for the majority, and Sir F. Cornwallis and Mr. Strangways for the minority.

[1] "Then," says D'Ewes (in the course of his note describing the debate on the Canons, 26th November 1640, after Glyn had done speaking, "long dispute ensued who "should speak, divers stood up, and "at last ruled for Mr. White, and "the Speaker's eye adjudged to be "the rule."

rested first on lawyer Glyn, the member for Westminster, soon to be recorder for London. There had been some doubt as to the line he would take, but he speedily removed it. It was against nature, he said, not to have liberty to answer a calumny, and there was no way but by Remonstrance to repel what had been laid upon them. They had made a remonstrance in the first year of the reign, and that without the Lords; and in the third year, if the Speaker of the house had sat still in his chair, a remonstrance would have been voted, and no fault found with it. The right was unquestionable. Both the Lords temporal and the Bishops had often severally protested without the Commons. He approved also of the matter of the Declaration. It was an honour to let the world see that in one twelvemonth they could reduce the distempers of twelve years. The people trusted that House, and it was therefore no dishonour to strive to satisfy them.

From the anxious group of members who sat near Hyde, among whom were now gathered several servants and officers of the King, Mr. Coventry, member for Evesham and second son of the deceased Lord Keeper, rose after Glyn, and appealed to the House at least to address the Declaration to the King, if they should persist in voting it. Though men build their monuments in their own time, he said, yet a chronicle of any King's reign had never, until now, been written in his life-time, without his own consent. After him started up Mr. Geoffrey Palmer, the well-known lawyer (he was Attorney-General at the Restoration), member for Stamford, and Hyde's intimate friend and counsellor, who asserted with much vehemence that the House could *not* declare without Lords and King, nor had ever done it, and that the best way for the Commons to answer a scandal was to neglect it. As to his friend's law, however, "honest Jack Maynard" at once rose and protested, when Palmer resumed his seat. It was fully competent to the House to declare to the people, for, he continued, if they should do nothing but

what was previously ordained and settled with the other branches of the State, they would assuredly sit still. They petitioned only for approbation, they did not dictate the choice, of the counsellors of the King.

Meanwhile, as the debate thus continued to rage towards midnight, one counsellor of the King had silently and sadly withdrawn. His Majesty's correspondent Nicholas, under promise to inform him that night of the result of the discussion, had waited and watched until nearly worn out with fatigue, and had then of necessity repaired to Whitehall to close and forward his dispatch. He first added to it the subjoined words, little supposing that they would be rendered very memorable by what occurred in the house after his departure. "The "Commons have been in debate about their Declaration "touching the ill effects of bad councils ever since "twelve at noon, and are at it still, it being near "twelve at midnight. I stayed this dispatch in hope "to have sent your Majesty the result of that debate, "but it is so late, as I dare not (after my sickness) "adventure to watch any longer to see the issue of it: "only I assure your Majesty there are divers in the "Commons' house that are resolved to stand very stiff "for rejecting that Declaration, *'and if they prevail not "then to protest against it.*" So thoroughly had Hyde's party previously resolved upon, and so unreservedly communicated to the ministers of the King, the step which they afterwards declared was quite unpremeditated, and indeed rendered suddenly necessary by the tactics of their opponents.

Nicholas had not long left the house when, a little after twelve o'clock, the main question whether the Remonstrance should pass was at last allowed to be put. In his History, Clarendon admits that it was the party led by Hyde (himself) which so long had resisted the incessant calls for a division; and that they hoped to profit in numbers by so wearing out their opponents, is the plain and irresistible inference. Nevertheless, he proceeds to

tell his readers that when midnight arrived, many were gone home to their lodgings out of pure indisposition of health, having neither eat or drank all the day; and others had withdrawn themselves, that they might neither consent to it, as being against their reason and conscience, nor disoblige the other party by refusing (*Hist.* ii. 595); leaving it to be inferred, that the gain from delay was entirely to the other party, not his own. In another passage (ii. 42), he conveys a similar impression, informing us that candles having been called for when it grew dark "(neither "side being very desirous to adjourn it till the next day, "though it was evident very many withdrew themselves "out of pure faintness and disability to attend the con- "clusion), the debate continued till it was after twelve of "the clock, with much passion." And again he says, in a third passage (ii. 44), that the party led by Mr. Pym knew well enough that the House had not, at that time, half its members present, though they had provided that not a man of their party was absent; and that they had even then carried it by the hour of the night, which drove away a greater number of old and infirm opposers, than would have made those of the negative superior in number. Assuming for a moment that this was so; that the hour of the night did really carry it; and that it was, as Whitelocke affirms Sir Benjamin Rudyard compared it to, the verdict of a starved jury;[1] surely it is inexplicable that from Pym and his friends, who were to profit by the exactly opposite course, should have proceeded all the efforts that were made to force on the division at an earlier hour. The real truth appears to have been, that

[1] "The sitting up all night caused "many through weakness or weari- "ness to leave the house, and Sir B. "R. to compare it to the verdict of a "starved jury" (*Memorials*, 51, ed. 1732). In reading the Memorials, however, valuable as they are, it is always necessary to keep in mind not only the fact that they were compiled at a time not very favourable to the cause which the author had once strongly supported, but the suspicion which there is good ground for entertaining that they were much interpolated before publication. The publication took place in Charles the Second's reign, twenty-two years after the restoration, seven after Whitelocke's death.

very few indeed, and these only occasional stragglers, had quitted the house before the great division. Two divisions on minor points preceded it, as we have seen, with some interval interposed; yet upon the first, three hundred and ten members divided, and upon the second, three hundred and eight; and these, being more than three fifths of the entire House, were certainly as large an assemblage as had been mustered since the Recess within its walls.[1]

What, then, were the numbers on the third and most important division? They had been reduced by simply one vote, and this in all probability the vote of Secretary Nicholas. I quote the entry from the Journals (ii. 322). "The question being proposed, whether this Declaration, "thus amended, shall pass; the question was put, whether "this question should be first put? and it went with the "Yeas: And then the question was put, whether this "Declaration, thus amended, shall pass? The house was "divided. Sir Frederick Cornwallis and Mr. Strang- "ways, tellers for the Noe, 148; Sir John Clotworthy and "Mr. Arth. Goodwyn, tellers for the Yea, 159. Resolved, "upon the question, that this Declaration, thus amended, "shall pass."

The question so long and desperately debated had hardly thus been settled, however, when that new question arose which was to create a new and worse agitation, and to carry almost to the pitch of frenzy the excited passions of the House. As soon as the vote was declared, Clarendon proceeds to say in his History (ii. 42), "Mr. Hampden moved that there might be "an order entered for the present printing it, which

[1] This point has already been adverted to, *ante*, 13; and I will only add that in a debate reported by D'Ewes on the 13th of the month following that in which the Remonstrance was passed, it appears that the exact number absent on the latter occasion were absent still. The expression used is "200 members still absent "after our recess." And in this particular debate "Sir John Evelyn of "Surrey" undertook to show that that number "had not been here since "this second meeting." On this same occasion it was that Strode made the proposition, already referred to, to fine a member *50l.* or expel *him*, if he quitted town without leave. "It "was," says D'Ewes, "much de- "bated, but laid aside."

'produced a sharper debate than the former. It appeared "*then*" (as if this had not been avowed all through the debate), "that they did not intend to send it up to the "house of peers for their concurrence; but that it was "upon the matter an appeal to the people, and to infuse "jealousies into their minds. It had never[1] been the "custom to publish any debates or determinations of the "House, which were not regularly first transmitted to the "house of peers; nor was it thought, in truth, that the "House had authority to give warrant for the printing of "anything; all which was offered by Mr. Hyde, with "some warmth, as soon as the motion was made for the "printing it: and he said, 'he did believe the printing it "'in that manner was not lawful; and he feared it would "'produce mischievous effects; and therefore desired the "'leave of the House, that if the question should be put, "'and carried in the affirmative, that he might have "'liberty to enter his protestation;' which he no sooner "said than Geoffrey Palmer (a man of great reputation, "and much esteemed in the house) stood up, and made "the same motion for himself, 'that he might likewise "'protest.' When immediately together, many after-"wards, without distinction, and in some disorder, cried "out 'They did protest:' so that there was after scarce "any quiet and regular debate. But the House by degrees "being quieted, they all consented, about two of the "clock in the morning, to adjourn till two of the clock the "next afternoon."

So did the chief actor in a very memorable scene, writing deliberately in his exile a few years after the event, when nothing of the dignities, the responsibilities, or the trials incident to his later life, had occurred to impair or preoccupy his memory, describe the close of a stormy debate in which he had taken so prominent a

[1] The first editors of Clarendon seem to have been so startled by his use of this word, in direct contradiction of a well-known fact, that they substituted "seldom" for it. The genuine text was only restored thirty-two years ago.

part. We shall shortly be able to test its accuracy. With how much accuracy the same writer had before described its commencement, has already been seen.[1] Of the similar spirit in which its progress had also been narrated, the reader who has here had all its details before him will be able to judge, when informed, still on Lord Clarendon's authority (ii. 594-5), that "the debate held "many hours, in which the framers and contrivers of the "Declaration said very little, nor answered any reasons "that were alleged to the contrary: the only end of "passing it, which was to incline the people to sedition, "being a reason not to be given: but still called for the "question, presuming their number, if not their reason, "would serve to carry it; and after two of the clock in "the morning (for so long the debate continued, if that "can be called a debate where those only of one opinion "argued), when many had gone home, &c. &c." It may be doubted if history contains such another instance of flagrant and deliberate falsification of the truth, committed by one to whom the truth was personally known.

Nor unworthy to rank beside it are the sentences first quoted, descriptive of what followed as to his own and Palmer's protestation when the Remonstrance had passed. It was not Hampden who moved the order for the printing,[2] but Mr. Peard, the member for Barnstaple, a lawyer

[1] See *ante*, p. 36.

[2] It is somewhat strange that this particular misstatement should have been made by Clarendon, whose habit it is to represent Hampden as invariably, on such occasions, reserving himself in the back ground and putting others in the front. I am bound to add that Clarendon seems to have shared with others this habit, which I once thought peculiar to himself. For, as it is one of the objects of this Essay to show how entirely untrustworthy is his authority for any statement adverse to the leaders against Charles I., it is the more necessary not to omit any instance in which such statements made by him find unexpected support. Thus, in an entry of his Journal relating to the debate of "the Bill of Episcopacy," on the 10th June 1641, after mentioning that the bill was moved by Sir Robert Harley, the member for Herefordshire, Sir Simonds D'Ewes adds: "Mr. Pym, Mr. Hampden, "and others, with Mr. Stephen Mar-"shall, parson of Finchingfield in "the county of Essex, and some "others, had met yesternight and "appointed that this bill should be "proceeded withal this morning, and "the said Sir Robert Harley moved "it first in the house: for Mr.

of the Middle Temple in good repute in his profession, and who had sat in the last as well as the present parliament. It was not then announced for the first time, but had substantially been confessed all through the debate, that the Declaration was meant as an appeal to the people. And so far from the desire to "protest" having arisen naturally and suddenly out of that announcement, we have seen, by the irrefragable evidence unconsciously afforded in Secretary Nicholas's letter to the King, that the protest had been concerted as a party move, and made known to the King's servants before the Declaration.

"Hampden, out of his serpentine "subtlety, did still put others to "move those businesses that he con-"trived." It is impossible not to compare this with what Clarendon says (*Hist.* iv. 93) of Hampden's moderation during the first year of the Long Parliament, "that wise and "dispassioned men plainly discerned "that that moderation proceeded "from prudence, and observation "that the season was not ripe, rather "than that he approved of the mode-"ration; and that he begat many "opinions and notions, the education "whereof he committed to other "men, so far disguising his own "designs, that he seemed seldom to "wish more than was concluded." The reader will at the same time not too hastily conclude, that, even assuming the feeling reflected in these passages to have been entertained by members on both sides of the house, it is necessarily the true one. Hampden's was a character, more than most men's, open to misconception. He was peculiarly self-reliant and self-contained, and in a remarkable degree he had the faculty of silence. Until the time arrived for speaking, he had never the least disposition to utter what lay within the depths of his breast—*altâ* mente repôstum. On no man of this great period is so unmistakeably impressed the qualities which set apart the high-bred English gentleman, calm, courteous, reticent, self-possessed; but with a will and energy so indomitable, lying in those silent depths, that all who came within its reach came also under its control. Clarendon, though he still imparts his own colour to the feeling, gives it fairer expression in the passages where he speaks of his possessing "that seeming humility "and submission of judgment as if he "brought no opinion of his own with "him, but a desire of information and "instruction; yet had so subtle a way "of interrogating, and under the "notion of doubts, insinuating his "objections, that he left his opinions "with those from whom he pretended "to learn and receive them." iv. 92. And again: "He was not a man of "many words, and rarely begun the "discourse, or made the first entrance "upon any business that was assumed; "but a very weighty speaker, and "after he had heard a full debate, and "observed how the House was like to "be inclined, took up the argument, "and shortly, and clearly, and craf-"tily, so stated it, that he com-"monly conducted it to the conclu-"sion he desired; and if he found "he could not do that, he was never "without the dexterity to divert the "debate to another time, and to pre-"vent the determining anything in "the negative which might prove in-"convenient in the future." i. 323-4. Here we have again the craft and the subtlety, but it is less "serpentine."

was voted. The intention was obvious. It was meant to divide, and by that means destroy, the authority of the House of Commons. It was a plan deliberately devised to exhibit, before the face of the country, the minority as in open conflict against the majority, and as possessed of rights to be exercised independently. The balance would be thus redressed; and the King's party, outvoted in the house, would yet be a recognised power without its walls, and would carry thenceforward a share of its authority. Happily, the leaders saw the intention, and on the instant met and defeated it. The right to protest, they said, never had been, and never could be, admitted there. The House of Commons was indivisible. It acted with one will, and one power; and it exercised rights with which individual claims were incompatible. Its authority derived from the people, its privilege to address them, its power to tax them, rested upon a foundation which, what was asked for by Hyde and his friends, would at once undermine and overthrow.

To use merely the language of Clarendon in giving account of what followed thereupon, and simply to say that many members rose to speak without distinction and in some disorder, so that there was after scarce any quiet and regular debate, were to offer a faint version indeed of the truth. Never had those walls witnessed such a scene as now, from the report of eye-witnesses less prejudiced and partial, waits to be described.

Hardly had announcement been made of the division which carried the Remonstrance by a majority of eleven votes, when one more strenuous effort was made to have it addressed to the King. This was successfully resisted; Denzil Holles expressing his intention to move, on another occasion, that it should be referred to a committee to give effect to the modified suggestion already thrown out by Pym. Mr. Peard then moved that the Declaration might be printed, which was opposed with the greatest warmth and vehemence by Hyde and Culpeper; Hyde again giving utterance to the extraordinary

opinion he had ventured to express in the debate, that the House of Commons had no right to print without the Lords' concurrence. Wherefore, he added, if the motion were persisted in, he should ask the leave of the House to have liberty to enter his protest. Culpeper's speech in the same strain, replying to the determined objection made upon this, first very calmly by Pym, and then more excitedly by Denzil Holles, carried the excitement still higher; and in the midst of it were now heard several voices, and among them very conspicuously that of Palmer, crying out that they also protested. Some one then rose, and moved that the names of the protesters might be taken; but this being declared against the forms and orders, was not at the moment pressed. "So," according to D'Ewes's account, derived from Sir Christopher Yelverton, "this "matter was understood to be laid aside until a further "time of debate, when everybody thought the business "had been agreed upon, and that the House should have "risen, it being about one of the clock of the morning "ensuing, when Mr. Geoffrey Palmer, a lawyer of the "Middle Temple, stood up." He should not be satisfied, he said, for himself or those around him, unless a day were at once appointed for discussion of whether the right to protest did not exist in that House; and meanwhile he would move, with reference to such future discussion, that the Clerk should now enter the names of all those whose claim to protest would then have to be determined. At these words the excitement broke out afresh; loud cries of "All! All!" burst from every side where any of Hyde's party sat; and Palmer, carried beyond his first intention by the passion of the moment, cried out unexpectedly that he *did* for himself then and there protest, for himself and all the rest—"of his mind," he afterwards declared that he meant to have added, but for the storm which suddenly arose.

The word *All* had fallen like a lighted match upon gunpowder. It was taken up, and passed from mouth to mouth, with an exasperation bordering on frenzy; and to

those who in after years recalled the scene, under that sudden glare of excitement after a sitting of fifteen hours, —the worn-out weary assemblage, the ill-lighted dreary chamber, the hour sounding One after midnight, confused loud cries on every side breaking forth unexpectedly, and startling gestures of violence accompanying them,—it presented itself to the memory as a very Valley of the Shadow of Death. "All! all!" says D'Ewes, was cried from side to side; "and some waved their hats over their "heads, and others took their swords in their scabbards "out of their belts, and held them by the pummels in "their hands, setting the lower part on the ground; so, "as if God had not prevented it, there was very great "danger that mischief might have been done. All those "who cried *All, all,* and did the other particulars, "were of the number of those that were against the "Remonstrance." And among them was the promising young gentleman of the King's house, Mr. Philip Warwick, the member for Radnor, who bethought him, as we have seen, of that brief scriptural comparison from the wars of Saul and David,[1] his application of which comprised all that, until now, was known to us of this extraordinary scene. He thought of what Abner said to Joab, and Joab to Abner, when they met on either side of the pool of Gibeon; and how, having arisen at the bidding of their leaders to make trial of prowess, their young men caught every one his fellow by the head, and thrust his sword in his fellow's side, and so fell down together: a result which might have followed here, had not the sagacity and great calmness of Mr. Hampden, by a short speech, prevented it.

It is not perhaps difficult to imagine, from what D'Ewes goes on to say of the short but memorable speech, with what exquisite tact and self-control this profound master of debate calmed down the passions of that dangerous hour. He saw at once that the motion

[1] Second Book of Samuel, Chap. ii. v. 12-16.

for printing could not then with safety be persisted in; and, reminding the House that there might be many who, having supported the Remonstrance, might yet be opposed to the printing of it, he asked how any one could so far know the minds of such as to presume to enter a protest for *them?* "Some who were against the printing of the "Remonstrance," says D'Ewes, "yet disavowed Mr. "Palmer's desiring to have a protestation entered in their "names; *and Mr. Hampden demanded of him how he could* "*know other men's minds?* To whom Mr. Palmer answered, "having leave of the House to speak, that he having once "before heard the cry 'All, All,' he had thereupon "desired to have the said protestation entered in all their "names."

The mere question and answer had quelled the unnatural excitement, and brought the House again, as Hampden anticipated, within government and rule. Agreement was then come to, that the question as to the printing of the Declaration should for the present be left undetermined, with the understanding that it was not to be printed without special leave. Hyde's party would further have restricted this order, by introducing the word "published" into it; but Pym, refusing to consent to that addition, divided the house once more, and carried the original proposal, "that "this Declaration shall not be printed without the par-"ticular order of the house," by a majority of twenty-three; thus leaving the publication free, and restraining the printing only until further order. The numbers were 124 to 101; Sir Edward Dering and Sir Robert Crane, D'Ewes's colleague in the representation of Sudbury, being tellers for the minority; and for the majority, Sir Walter Earle and Mr. Richard Knightly, the member for Northampton. Between the last division and the present, thirty-five of Pym's party and forty-seven of Hyde's had quitted the house. And so, says D'Ewes, "the House arose just "when the clock struck two the ensuing morning."

Clarendon fixes the hour of meeting the next day as late as three o'clock, but in reality they assembled only a

little later than the usual hour. Much important business not admitting of delay was in hand; and the further loan of fifty thousand pounds from the City for the Irish affairs, to bear interest at eight per cent, had this day to be completed. A little incident marked the temper of the House. Early in the month the Queen's confessor, Father Philips, had for contumacious conduct been committed by the Lords to the Tower, and no order was to be given for his release without the knowledge of the Commons. He had now made submission, and in deference to an urgent message from the Queen, the Lords had ordered his release; but on their messenger bringing this intimation to the Commons, a peremptory refusal was sent back, and Father Philips had to return to the Tower. This incident had passed, and it was nearly four o'clock in the afternoon, when Pym rose and made allusion to the scene of the night before. He lamented the disorder on that occasion, which, he said, might probably have engaged the House in blood. It proceeded principally, he continued, by the offering a protestation, which had never before been offered in that assembly; and was a transgression that ought to be severely examined, that mischief hereafter might not result from the precedent. He therefore proposed that the House should the next morning enter upon that examination: and in the meantime he advised that men might recollect themselves, and they who used to take notes might peruse their memorials; to the end that the persons who were the chief causers of the disorder might be named, and defend themselves the best they could. "And with this "resolution," adds Clarendon, "the House rose; the "vexation of the night before being very visible in the "looks and countenance of many." [1]

How far the further statement made herein by Clarendon is to be believed, must be judged upon the facts. He says, as we have seen, that the House did not

[1] *Hist.* ii. 46. D'Ewes simply says of the rising of the House, that "they appointed to meet to-morrow "at ten. and rose between four and "five of the clock."

meet till three in the afternoon: But the statement in D'Ewes's Notes (and this is borne out by the Journals) leaves no doubt that the House was in debate soon after ten o'clock. He asserts that the most part of the day had been passed by the leading men in private consultations, having for their object how to chastise some of those who most offended them the night before, and how to punish the attempt to introduce the dangerous and unheard-of precedent of protesting against the sense of the house: But the private consultations must in this case have been held during the open sitting, for the leading men on Pym's side were unquestionably engaged, in public, upon the bill for determining parliamentary privilege, upon the Committee of Irish affairs, upon the bill of tonnage and poundage, upon the City loan, and upon the case of the Queen's confessor. He explains that the subject of private consultation was all the more grateful to the "leading violent men who bore the greatest "sway," because they should thereby take revenge upon Mr. Hyde (himself), whom they perfectly hated above any man, and to whose activity they imputed the trouble they had sustained the day before; only they encountered an unexpected difficulty from an important section of their supporters, the Northern men as they were called, led by Sir John Hotham, Sir Hugh Cholmondeley, and Sir Philip Stapleton, members for Beverley, Scarborough, and Boroughbridge, who were so grateful to Mr. Hyde for his services in overthrowing the monstrous oppression of the Court of York, that they refused to join against him, though very eager to make others responsible; and he adds that this dispute, which broke out at the private council in the morning, occupied all that day and night, and was only terminated by the compromise of selecting another person, Palmer, to bear the brunt of punishment: But if all this were so, it is strange that neither Sir Simonds D'Ewes, nor Sir Ralph Verney, in Notes still preserved exactly as they were taken at the moment, should in any form confirm or make allusion to it; and still

more strange that the leaders should have proposed to make Hyde responsible for the minor offence of asking leave to protest, which had led to no disturbance, and to pass by the real offence of Palmer, who reopened the question that had been laid aside, did actually protest without asking leave,[1] and brought on the scene that followed. It will be perhaps the more natural, and certainly no unfair, conclusion to form, that the writer who deliberately had misrepresented and misstated every single successive incident in these memorable debates, has misrepresented this also. Happily the means of refutation are at hand; and from records taken at the moment, and quite above suspicion, the account given by Clarendon can be corrected, and the story of the Grand Remonstrance be faithfully carried to its close.

On Wednesday, the 24th of November, the Speaker arrived at the house at about ten o'clock, when, after prayers, certain necessary business of no great interest was done, and Pym moved the appointment of some committees. He then, producing a printed pamphlet, purporting to be Articles of accusation preferred against Father Philips and containing matters of scandal against the French Ambassador, pointed out the grave offence of disseminating such falsehoods, and called the printer to the bar. Hereupon Mr. Ralph Goodwin, the member for Ludlow (he who was afterwards secretary to Prince Rupert), took the same opportunity of complaining, that a pamphlet scandalous to the King himself had also just been printed, purporting to be the account of a duel between Sir Kenelm Digby and a French Lord, as to which he moved that the printer thereof might also be questioned. To whom, with a similar complaint of unauthorised printing, succeeded Mr. Robert Reynolds, who

[1] Clarendon is obliged to admit this distinction, even where he is doing his best to exaggerate the cause of offence he had himself given. "He "was the first" (he is speaking of himself, *Hist.* ii. 45) "who made "the protestation, that is, *asked* "*leave to do it*; which produced the "other *subsequent clamour*, that "was indeed in some disorder."

sat for Hindon in Wiltshire and was afterwards one of the King's judges, and who brought before the house the fact, that the examination of a delinquent priest, taken by one of their committees, still remaining in his own possession, and not yet reported to the house, had been suddenly issued in print; an offence which also called for punishment. "Upon all which motions," D'Ewes adds, "it was ordered that the former committee for "printing (of which I was one) should meet to-morrow "morning at seven of the clock in the Inner Court of "Wards, and should examine these abuses now com- "plained of, and all other abuses of the kind, and to "consider of some way for the preventing thereof."

Then succeeded the more interesting business of the day, introduced as usual by the member for Tavistock. He called the attention[1] of the House to the offence which had been committed on Monday night. He enlarged upon the mischief it was then like to have produced, and which would unavoidably be produced, if the custom or liberty of individuals protesting against the sense of the House should ever be admitted. That was the first time it had ever been offered there, and care ought to be taken that it should be the last, by severe judgment upon those who had begun the presumption. Whereupon, Hyde rose and said, that it concerned him to justify what he had done, being the first man who mentioned the protestation. But he was interrupted by a general noise and clamour, one half the House crying to him to "withdraw," and the other half to "speak." He waited awhile, and then resumed. He was not old enough, he said, to know the ancient

[1] This opening of the proceedings, down to the appearance of Hotham in the debate, is taken from Clarendon (*Hist.* ii. 46-7). It is here given because, though neither in the Notes of D'Ewes, nor those of Verney, is there any mention of it,—both beginning their account with Hotham's speech,—it is not only quite possible that Hyde may have spoken what he here attributes to himself, but it is even likely that he so endeavoured to put himself forward, when he found that his friend Palmer was to be called to account. The matter of the so-called private dispute raised as between Hyde and Palmer, which I altogether disbelieve in, is not affected by it either way.

customs of that House; but he well knew it was a very ancient custom in the House of Peers. Leave was never denied there to any man who asked that he might protest, and enter his dissent, against any judgment of the House to which he would not be understood to have given his consent; and he did not understand any reason why a commoner should not have the same liberty, if he desired not to be involved in any vote which he thought might possibly be inconvenient to him. He had not offered his protestation against the Remonstrance, though he had opposed it all he could, because it remained still within those walls. He had only desired leave to protest against the printing it; which, he thought, was in many respects not lawful for them to do, and might prove very pernicious to the public peace.

This was listened to with some impatience, and at its close the member for Beeralston, always impetuous and forward on such occasions, was for having the House to call upon Mr. Hyde to withdraw, since he had confessed that he first proposed the protestation; but Mr. Strode's suggestion was disregarded, and not the least notice appears to have been taken of Mr. Hyde's own proposal to make a martyr of himself.

Mr. Hotham, the member for Scarborough, familiarly called Jack Hotham, the son of Sir John, and so soon to perish with him on a public scaffold for treason to the Parliament, rose now and said that the offence committed on Monday night which the House was called to visit with its severest censure, was committed by Mr. Geoffrey Palmer, the member for Stamford. A gentleman on that occasion had offered, with the leave of the House, to make a protestation, and another had seconded him; upon which the said Mr. Palmer had without leave cried out, *I do protest*, and, further encouraging men to cry out every man the same, had said that he protested "for himself and the rest." Many voices here interrupted Hotham, shouting out that Palmer's words were "*all* the rest." The speaker proceeded, and shewed that such words in the mouth of any

member tended to draw on a mutiny; and that if this were permitted in the house, any one might make himself the head of a faction therein, and there would soon then be an end of the liberty and privileges of parliament, and they might shut up their doors. He therefore desired that Mr. Palmer, not being in the house, might be sent for.

Several members of Hyde's party next rose, and objected to Palmer's being sent for; and some wished to know by what right Mr. Hotham had applied the word "faction" to any section of members in that house. But, adds D'Ewes, "whilst we were in debate about sending for "him, Mr. Palmer came in; and then Mr. Hotham laid "the same charge against him which he had done before, "for the substance thereof." Hereon, he continues, some would have had Mr. Palmer to make his answer, and then to withdraw into the Committee Chamber, that so they might proceed to censure; but others said, that either he had committed no fault to which he was to answer, or, if he *had* spoken anything amiss, he was to have been questioned for it at the time when he spake it, and not at this time, which was two days since the pretended words were uttered. "And this was maintained," says D'Ewes, "with great vehemence by those who spake for Mr. "Palmer."

Hyde and Culpeper were as usual the most vehement. Speaking to the orders of the House, Hyde said[1] the charge against Palmer was against the orders, being he was only charged with words, not with any ill carriage.

[1] Clarendon's own account of his speech (*Hist.* ii. 48) is, that, upon Mr. Palmer being called upon to explain, "Mr. Hyde (who loved him much, "and had rather have suffered himself, than that he should) spoke to "the order of the house, and said that "it was against the orders and "practice of the house that any "man should be called upon to explain, for anything he said in the "house two days before; when it "could not be presumed that his "own memory could recollect all the "words he had used; or, that anybody else could charge him with "them; and appealed to the house "whether there was any precedent of "the like—and there is no doubt "there never had been; and it was "very irregular." The account of the speech in the text, however, is manifestly more correct than this notice of it preserved by its author.

This being so, and the words not having been excepted against at the time they were spoken, it was now no orderly charge. For, in that case, a man might be questioned for words spoken a month or a year ago, as well as for those spoken on Monday last. Words might be forged, too, and then how could a man answer for himself? It would take away the great privilege of freedom of speech. Culpeper went still further. Also speaking to the orders of the House, he took the objection, that the members assembled on that day, Wednesday the 24th, could not be competent judges of words spoken on Monday the 22d, because divers were on this occasion present who on the former were absent; although he did not deny that the House was the same in respect of the power of it. And what could be more dangerous than for a man to be questioned for words spoken in the house after the time he should speak them; for might he not in such case be also questioned in another parliament after?

These confident opinions appear to have shaken some of the members present; the debate went on with increasing heat; and three hours had been so passed, when Denzil Holles got up, and declared that he would charge Mr. Palmer with a new charge, in making a pernicious motion. But now, Sir Simonds D'Ewes, fortified with precedents, advanced to the rescue; undertaking to prove that the original proposition to make Palmer responsible for the words he had uttered, was strictly in accordance with the usage, and no violation of the orders, of the Commons.

He began by saying he was sorry, with all his heart, that the House should already have lost so much time about this business, and the more because it concerned a gentleman whom he had long known, and knew to be learned in his profession. But he wondered to see any member of that house, and much more (alluding to Hyde) any of the long robe, affirm that they could not question words spoken therein any day after they were spoken, unless exception to the words were taken at the time of

speaking. "I dare be bold to say," continued Sir Simonds, warming into confidence, as his well-beloved records and precedents came to him at need, "there "are almost precedents in every journal we have of the "House of Commons. Some I can remember upon the "sudden, as Mr. Copley, in the time of Queen Mary; "Mr. Peter Wentworth, in 35th Elizabeth;[1] and, in "43d and 44th of the same Queen, either one Hastings "took exception at Mr. Francis Bacon, or he to Hastings: "for I dare not trust an ill memory with the exact relation "of it upon the sudden. And all these were questioned "in this house after the day was past in which the words "were spoken. This, indeed, is the true, ancient, funda-"mental right of parliament, that we should not be "questioned anywhere else for things spoken within "these walls. But that we should not have power here to "question our own members for words spoken within "these walls, either at the time when the said words were "spoken, or at any time after also, were to destroy those "very liberties and rights of parliament."

Having laid down thus clearly and boldly the undoubted parliamentary rule, D'Ewes went on to apply it to Palmer's case. Premising that the words spoken, and matter of fact in issue, must be stated exactly, he shewed that to resist any proposal to question the same, whether at the moment of delivery, or at any time after, would be to decline the justice of the House, which for his part he should never do, but should always be ready to answer, at any present or future time, to anything he should there say. As for that which was objected, he continued, by the gentleman on the other side (and he pointed to Sir John Culpeper), that it were a dangerous thing for them to admit that a succeeding parliament might question what was done in a former, there was nothing more ordinary or more usual. There was no doubt what-

[1] "I was mistaken in the year," notes the particular D'Ewes in the margin of his Journal, "for it was "in—" but alas! the correction is not legible to me.

ever but that a succeeding parliament might not only question any particular thing done by them, as, for example, what was in progress at that moment, but might also revoke and repeal all the acts and statutes which they had passed. And the reason thereof was evident and plain. For they sat not there in their own right, but were sent thither, and entrusted by the whole kingdom; the knights being chosen by the several counties, and the rest by the several cities and towns. And, for that which was objected by the same worthy gentleman opposite, that, there being divers others in the house who were not there when the words were spoken, therefore the House was not the same, he (Sir Simonds D'Ewes) said confidently that the House was the same to all intents and purposes, not only *quoad potestatem*, but *quoad notionem* also; for of course he assumed there must be a perfect agreement as to what the words were that were spoken, before they could proceed to a censure of them. Whereupon, as though remembering his own absence at the extraordinary scene, he thus proceeded:

"And truly they may well be excused that were absent "out of this house at midnight, for it was about that time "on Monday night last when these words were spoken; "and I do as much wonder that so many in this house "should object that the speaking of words is not an "action, when that old verse assures us of the contrary— "'Quatuor et dentes et duo labra simul, &c.' And "more strange it seems to me also, that when this "worthy gentleman himself (and I pointed to Mr. Palmer) "hath so often stood up, himself, to speak, so many should "hinder him; for if they will not let him speak by way "of answering, yet let him speak by way of speaking.— "Some laughed at this, thinking I had been mistaken; "but I proceeded and told them, that I should be sorry "to speak anything in that house which I could not make "good logic of; and therefore I still pressed, that if we "would not let him speak by way of answering, that is "by coaction and as a delinquent, then let him speak by

"way of speaking, that is *sermoni libero et spontaneo*. And "who knows," concluded the precise and learned orator, "but that he may give much satisfaction to this House by "his speaking? And therefore, Sir, I desire that he "may be heard."

The desire of the worthy Sir Simonds, however, failed to convince Mr. Palmer's friends of the expediency of yielding thereto. In vain the Speaker renewed the proposition that the member for Stamford should be heard. In vain was it urged that no man was entitled to object because none knew what he would say. The objectors stood so firm, that it became clear it would have to come to a division, and Hyde and Culpeper violently called out to divide. Palmer withdrew into the Committee Chamber, and the Speaker put the question—As many as are of opinion that Mr. Palmer shall be required to answer to the charge laid against him, let them say Aye. "But "then," interposes D'Ewes, "Mr. Palmer's friends would "have had these words to have been added to the question, "namely, 'for words by him spoken on Monday night "'last;' but we that thought Mr. Palmer deserved to be "questioned, would not agree to that addition. Where-"upon it came to a division upon the question."

The tellers appointed on the one side were Hyde and Sir Frederick Cornwallis, and on the other Sir Thomas Barrington and Sir Martin Lumley, the member for Essex. The Ayes went out, and proved to be but 146; the Noes (of whom D'Ewes was one) sat still, and were 192. It being directed, upon this, that Hyde's addition should not be made, Sir Robert Hatton, the member for Castle Rising, and a determined royalist, jumped up to speak against the other question; but Mr. Speaker interrupted and told him he was out of order, for he could not now speak until the question had been put. It was put accordingly, the same tellers being appointed on both sides; and the Ayes (of whom D'Ewes was one) going out, were 190, whereas the Noes, sitting still, were but 142. It was thereupon immediately ordered, that Mr.

Palmer should be required to speak; and being called down from the Committee Chamber, in which he had remained since before the first division, he was informed by the Speaker that the House required him to make answer to the charge laid against him.

He presently arose, and, professing his innocency as to the particular matter alleged, made relation of some foregoing passages. That when, upon the vote being determined that the Declaration should pass, a motion was made by Mr. Peard that it should be printed, divers protested against it; and that himself desired also to have his protestation entered, against the printing but not the passing; and that when, afterwards, it was moved that the names of such as had protested might be entered, he being unsatisfied, and desiring it might be debated first whether such a protestation might be made or not, wished a day to be appointed for that end, and thereupon desired that his own name, and the names of the rest who had protested, might be entered by the Clerk. And that Mr. Hampden thereupon asking him, how he knew other men's minds, he answered, because he had heard others desire their names to be entered, and heard them cry "All, all." But for the other words charged upon him, that he had protested "in the name of himself and the "rest," he declared he did not remember that he had spoken them. But he was very sensible of his own misfortune, and sorry for having given that occasion to the House to question him. And so, having ended, he withdrew again into the Committee Chamber.

Bulstrode Whitelocke, member for Marlow, and a personal friend of Palmer's, though himself a supporter of the Remonstrance, rose immediately after to confirm generally, by his own recollection, the substance of the statement just made: but the hour was now late, it having long struck four, and it had grown so dark that the Speaker was no longer able to discern who stood up. Cries from both sides became loud for an adjournment, and order was accordingly made that the further con-

sideration of Mr. Palmer's offence should be resumed at ten o'clock the next morning. Dark as it was, however, the House was not allowed to rise until the indefatigable Mr. Pym had obtained direction for a committee, consisting of himself, Mr. Denzil Holles, and others, to take examinations of divers Irishmen[1] then in the serjeant's custody, suspected of privity in the late horrible design; and his purpose in so demanding this immediate committee was, that those who on examination might be found not fairly obnoxious to suspicion might at once be dismissed. Through all the frequent conspiracies and dangers of this troubled time, the reins of authority seized by the House were held with a firm, yet wise and temperate, hand; and no strain upon the liberty of the subject that could be safely spared, was countenanced or permitted by its great leader.

On Thursday, the 25th of November, the Speaker took the chair at ten o'clock, but Mr. Solicitor St. John interposed before the resumption of Palmer's business, to obtain leave to bring in a short bill for the levy of tonnage and poundage, and after him Denzil Holles rose to remind the House of that suggestion of the worthy member sitting below him by the bar (designating Pym) which had found favour on Monday night, to accompany the Remonstrance by a Petition to his Majesty; as to which he moved accordingly that some might be appointed to draw this Petition in such manner as to show what had necessitated them to make their Declaration. Some little debate ensued hereon, and ended in the adoption of Holles's motion that the Petition should be prepared and presented by the same committee that had drawn the Declaration; to which was added an order, on the motion of Sir Gilbert Gerrard, member for Middlesex, that they should include in the said Petition a form of congratulation for his Majesty's safe return from Scotland, which

[1] "He hoped also" the liberal leader told the House on this occasion, "that they had the woman in hold "who had conveyed letters into "Ireland."

should also be presented to him in the name of the House.

D'Ewes had left his place while Holles was speaking, and when he returned to it, between eleven and twelve o'clock, he found the Solicitor-General pressing his bill of tonnage and poundage through the necessary stages to obtain its enactment before the existing bill should expire. After this some other business of moment presented itself, but members grew impatient for the conclusion of the debate respecting Palmer; and on the motion of Sir Robert Cook, who sat for Tewkesbury, and who urged with some vehemence the propriety of not delaying censure in a matter affecting the high privileges of the House, that subject was resumed. "We then," says D'Ewes, "pro- "ceeded before twelve of the clock with the debate and "consideration touching Mr. Palmer's offence. That held "till about three of the clock in the afternoon, before we "proceeded to debate of his punishment."

The substance of the speeches on either side will sufficiently indicate the character of the early part of the debate. In aggravation it was insisted on, that as to the particular matter, Palmer's great ability in his profession, his very temperateness of nature in the general, and the fact of his being a gownsman, much increased his offence. "That "after the first distemper of the House was well pacified "which arose about the protestation-making, he, by his "new motion to have a protestation entered in his own "name and the name of all the rest, did again raise the "flame to such an heighth, as, if God had not prevented "it, murder and calamity might have followed thereupon, "and this parliament with our posterity and the kingdom "itself might have been destroyed. For, upon Mr. Palmer's "said motion, some waved their hats, and others took "their swords with the scabbards out of their belts and "held them in their hands." On the other side in extenuation it was urged, that Palmer had in no respect forfeited his reputation as a sober, learned, and moderate man. That his only intent in the motion he made was

to put an end to the particular night's debate, it being so far spent; and to put off to a further day the dispute of the question whether the members of that house might protest or not. There had been an earnest offer to protest on the part of Mr. Hyde, then a motion to take names by others, and then Palmer moved in the name of himself and all others of his mind: but whether this was to protest, or to take names, was yet a question. Afterwards, indeed, Palmer was questioned by Mr. Hampden, and he stood up, and the House cried, "All, all." But there was no proof that he had an intention to raise any heat or combustion. He had done very good service in the house, and particularly in the enquiries into forest abuses, where he occupied the chair; and he was entitled to have that remembered now. Some, however, went still further in extenuation, and others even justified what he had done to be no offence at all.

The afternoon wore away in such debate, but it was in vain that Palmer's friends exhausted every resource to avert what they too plainly felt must inevitably come. The popular leaders were not to be turned from their purpose. The offence committed, and the person committing it, were of no ordinary kind. The offence struck at the very source and foundation of the power of the House, breaking down all the barriers which old usage and custom had thrown up, to keep before the people sole and intact, no matter what their internal divisions might be, the authority and influence of the Commons. The offender in himself represented a new and powerful party, bred within the house itself, who would have entered through the breach so made, and turned that very influence and authority to the secret service of the King. Palmer's success would have divided the House against itself; into a minority claiming to be free from undue strain and pressure upon their consciences, opposed to a majority claiming predominance incompatible with the exercise of individual rights, and coercing free deliberation. Once admit such division, all the votes of the past year would

lose their claim to continued respect,[1] and the Sovereign would again be uncontrolled. No jot would Pym and Hampden consent to abate therefore, from what was strictly necessary to single out and set aside what Palmer had done, as matter of high and weighty censure. But they did not go beyond it. They demanded his committal to the Tower until due submission and retractation were made.

Some indeed were eager to have gone farther, demanding his expulsion; but none of the great names on the liberal side appear among these, who were in truth led by the very man, Sir John Hotham, whom Clarendon represents as most opposed to what the more prominent and leading men desired. Sir Robert Cook, the member for Tewkesbury, would have had the offender not only sentenced to the Tower, but turned out of the House as well: whereupon Sir John Strangways got up and reminded that worthy member, that as he had been sworn since the last Lord Steward surrendered his staff, some doubts existed how far there was any legal commission to swear him,[2] and perhaps he might himself, by the statute 21st of James, be turned out of the house before Mr. Palmer. The member for Southwark, Mr. Bagshaw, rose next, and, as a brother barrister of Palmer's, took the liberty to doubt whether, having denied the fact charged, he was fit to be

[1] Clarendon occasionally, to use an expression of his own, "lets himself loose" (i. 7: as if, to quote Warburton's shrewd comment on the phrase, he were speaking against his duty when he censures the Crown); and there is a remarkable and most weighty passage in his *History* (ii. 252), in which he distinctly admits that it was the King's habit to consent to particular measures (in this case he is speaking of the bill for taking away the legislative power of the bishops) from an opinion that what he held to be the violence and force used in procuring them, rendered them absolutely invalid and void, and "made the confirmation of "them less considered, as not being "of strength to make that act good, "which was in itself null. And I "doubt," he adds, "this logic had "an influence upon other acts of no "less moment than these." Those are surely very significant and pregnant words.

[2] Three days subsequent to this, an order was made to move the Lords to join with the Commons in moving his Majesty "to appoint the Earl of "Pembroke Lord Steward of his "Majesty's household: for that this "house is deprived of certain mem-"bers, by reason there is no Lord "Steward, to give or authorise the "giving of the oaths of allegiance and "supremacy."

sentenced; seeing that the charge had really not yet been proved by any one man, and all judges should go *secundum allegata et probata*. But Palmer found a more effective advocate in Mr. John Crew, the member for Brackley.

Crew, a man of great fortune, and of principle as firm and unassailable as he was generally moderate in speech (it was by his help chiefly that Vane and Cromwell were able subsequently to pass the Self-Denying Ordinance), had voted uniformly with Pym and Hampden throughout the debates on the Remonstrance,[1] and he now thought that the justice of the case, which he considered to have been fully admitted, would be satisfied sufficiently by such admonishment as the Speaker standing in his place might then and there administer. For himself, he would interpret things doubtful ever in the best sense; and he could not forget such service as Mr. Palmer had heretofore rendered to the cause which in this late matter had received some offence from him. "Sir," continued this discreet and temperate advocate, "though none can plead his merits "to excuse a fault, yet if I have received many favours "from a man that now doth me injury, I shall not forget "those benefits, but be the willinger to forget the injury, "and the rather in this place, because we have power to "punish our own members when they offend, but not to "reward them when they do well." It was impossible that such an appeal as this should fail of effect; but the effect was in a great degree removed by a speech in which Waller meant to have followed up the advantage, but in his lively audacious way, seeking to please both sides, satisfied neither, and almost wholly lost what Crew had gained. He desired the House not to permit a man's success to be the proof of his delinquency. All their punishments were but the Tower and the Bar, and those were great punishments, when they were inflicted for great

[1] It is worth mention, perhaps, that in the famous treaty of Uxbridge, nearly four years after this date, Crew was one of the commissioners on the side of the Parliament, with Geoffrey Palmer opposed to him on the King's side. See Clarendon, *Hist.* iii. 37, 76, and 90.

offences. But the custom had arisen, both within and without those walls, of punishments disproportioned to the offence. In former days, while Queen Elizabeth reigned, a check from the Council Table, or a sentence in the Star Chamber, were of such repute that none esteemed men who were so checked or sentenced: but what was it their Remonstrance had justly taken exception to? Of late these punishments had been inflicted for such small offences, that all men did rather value and esteem those as martyrs who suffered in that way, than disesteem them for it. He adjured them, therefore, to let no man be punished for temperance, lest they should seem to punish virtue. The result of which homily, by one whose great wit and parts had brought himself such small esteem, may perhaps be measured by what followed immediately after. Sir John Hotham declared that if by the rules of the House any greater censure than expulsion and the Tower could be laid upon the offender, he would gladly go higher than even those. Happily the majority were not of that opinion.

"This last debate," says D'Ewes, "held till past four, "at which time I withdrew out of the house. When I "returned again, the debate was, which of the two "questions should be put first: whether for his sending "to the Tower, or for his being expelled out of the "House." Upon this, Sir Ralph Hopton, member for Wells, afterwards so conspicuous on the King's side in the war as "Hopton of the West," appears to have taken the lead. He moved that the question of sending to the Tower should be first put, because, he argued, if that for expulsion were put first, being the greater, the judgment of the House would be past by it, and then the lesser question could not be put. Such a point mooted as this rarely failed to call up D'Ewes. He rose accordingly, and craved leave rather to speak to the orders of the House than to the order of putting the questions. In respect of the remarks which had been last made, he wondered to hear such from an ancient parliament man: for it was not

the putting and voting of one, two, three, or four questions there, that made the judgment of the House. "That, "Sir," continued the precise Sir Simonds, "is to be pro- "nounced by yourself, our Speaker, to whom we direct "our speeches; and then, and not till then, is the judg- "ment of this House past." He added that, if they could not agree which of the two questions should be past first, for his part he should be content to have them past together.

The result is thus succinctly recorded by the same veracious and conscientious witness. "Others spake "after me, and the contention which question should be "first put was again set on foot, till at last it was resolved, "by question, that the matter touching Mr. Palmer's "going to the Tower should be first determined; and "thereupon the Speaker did first put this question—As "many as are of opinion that Mr. Palmer should be sent "to the Tower, there to remain during the pleasure of "the house, let them say Aye. Upon which followed a "great affirmative; and, the question being put negatively, "there were many Noes: whereupon there followed a "division of the house, and the Speaker appointed Sir "Thomas Barrington and Sir John Clotworthy tellers for "the Ayes, of which I was one, and we went out and "were in number 169; the tellers appointed for the Noes "who stayed in the house, being the Lord Falkland and "Mr. Strangways," (the member for Bridport), "and the "number of them was 128. Then the Speaker put the "second question, namely—As many as are of opinion "that Mr. Palmer shall be expelled from being a member "of this house during this parliament, let them say Aye. "Upon which followed a lesser affirmative than formerly; "and upon the negative, a greater number of Noes. The "house was again divided, and the same tellers appointed "both for the Ayes and Noes as before. I was an Aye, "and the Ayes went out again, and were in number 131. "The Noes that continued in the house were 163. And "so Mr. Palmer escaped expulsion out of the House,

" which his offence had deserved in a high measure. We " appointed to meet to-morrow morning by ten of the " clock, and so the House rose between six and seven of " the clock at night."

On the next day, Friday the 26th of November, Palmer "in his barrister's gown" appeared at the Bar to receive sentence; and, kneeling there, was informed by Mr. Speaker that the judgment awarded to his offence was committal to the Tower during the pleasure of the House. To the Tower he was committed accordingly, and there remained until Wednesday the 8th of December, on the morning of which day " the humble petition of Geoffrey " Palmer was read, wherein he did acknowledge his " offence and the justice of the House, and his sorrow " that he had fallen into its displeasure:" upon which an order passed for the discharge of Mr. Palmer from his imprisonment in the Tower.

As to this submission of his friend, Clarendon is wholly silent; and, in so far as the sin of suppression may be less than of deliberate falsification, the circumstance should perhaps be mentioned to his praise. He also unconsciously renders tribute to the sagacity and steadiness of purpose with which the leaders had pursued and obtained their object in these long and passionate debates, when he says that having compassed their main end, they found the sense of the House more at their devotion from that time, and admits that the minority grew so cast down and dejected, that the leading men ever after met no equal opposition within its walls (ii. 61, 62). But in every other point of these later, as of the earlier proceedings, every single sentence he utters is a misstatement. He says there was not the least doubt that there never had been any precedent for calling a member to account for words spoken except at the moment of their utterance: whereas D'Ewes's precedents have been seen. He says, that, after two hours' debate, additional delays and bitterness were only spared by Palmer's own voluntary offer that to save the House farther

trouble he might answer and withdraw: whereas the answer was only given upon compulsion, after a formal division had left no alternative. He says that the real secret of the hostility displayed to Palmer, and the reason why the angry men pressed with all their power that he might be expelled the House, was that they had borne him a long grudge for the civility he showed as one of the managers in the prosecution of the Earl of Strafford, in that he had not used the same reproachful language which the others had done: whereas the men most eager to protect Palmer were notoriously those who, like Culpeper, Falkland, and even Hyde himself, had shown least mercy or forbearance to Strafford. Finally, he says,[1] that in the close of the day when the division was taken against Palmer, and on the rising of the House, an order was obtained, without much opposition, for the printing of the Remonstrance: whereas two days were occupied by the Palmer debate, and not even an attempt was made during either to smuggle in any order for the printing. When it was done, it was done openly, but the time for it was even yet not come.

Saturday, the 27th of November, was the day named for reception of the report of the Committee appointed to draw the Petition to the King; designed, in accordance with Pym's suggestion, to accompany the Remonstrance. It was ushered in by threatening omens. Charles was

[1] I give the entire passage, taking it up from where the passage previously quoted (*ante*, p. 119) ends. As he there mentions, he had appealed to the House whether there was any precedent of the like: "and there "is no doubt," he continues, "there "never had been; and it was very "irregular. But they were too "positively resolved to be diverted; "and, after two hours debate, he him-"self desired, 'that to save the house "farther trouble, he might answer "and withdraw' — which he did. "When it drew towards night, after "many hours debate, it was ordered "that he should be committed to "the Tower; the angry men press-"ing with all their power, that he "might be expelled the house: "having borne him a long grudge, "for the civility he showed in "the prosecution of the Earl of "Strafford; that is, that he had not "used the same reproachful language "which the others had done . . . And "in the close of that day, and the "rising of the House, without much "opposition, they obtained an order "for the printing their Remonstrance." —*Hist.* ii. 48-9.

now arrived from Scotland; had been received with magnificent entertainment in the city, on the previous Thursday; had returned afterwards to Whitehall in such elation and excitement as rarely was witnessed in him; between that evening and the following day, when he proceeded to Hampton Court, had given Nicholas the seals which were held by Windebank, had deprived old Vane of his secretaryship and treasurer's staff, had seen privately Culpeper, Falkland, and "Ned Hyde," had directed a proclamation to be issued for more implicit obedience to the laws established for the exercise of religion, and had given order for the immediate dismissal of those trainbands employed upon guard at the two houses, which, as we have seen, upon the receipt of Hampden's dispatch out of Scotland announcing the plots against the leaders of the covenant, had been ordered up for their protection, and since had guarded them by night and day.[1] He had also taken the resolution, though the act was deferred for yet a few days, to remove Col. Balfour from the command of the Tower and to appoint Col. Lunsford in his place. The temper of the House at such report as had reached them of these incidents was not slow in revealing itself.

Prayers had just been said when Hampden rose in his place; made a statement as to a Buckinghamshire papist, one Adam Courtney, suspected of connivance in the plot now proved against the King's officers to bring

[1] The order had been given by the King on Thursday evening. Early on Friday morning Pym reported to the House that, whereas, heretofore, a guard had been set, at the desire of the Commons, in respect of the multitude of soldiers, and other loose persons, infesting the precincts of Westminster, and was afterwards continued by both Houses, and the Lord Chamberlain [Essex], who had a commission to be Lord General on this side Trent, took a care concerning the same; but now, upon his Majesty's return, he hath surrendered his commission, and the Lords have received a message from his Majesty, to be communicated to both Houses, "that "the guard, that had been set in his "absence, perhaps was done upon "good grounds, but now his presence "is a sufficient guard to his people; "and therefore it is his pleasure they "should be discharged; and, if need "be to have a guard hereafter, his "Majesty will be as glad to have a "guard as any other."

up the Army to overawe the Parliament; and, producing the minute pieces and fragments of certain letters which Courtney had torn up on his arrest, desired that they should be deciphered by the army committee then sitting, by whom also the delinquent could be brought up from Aylesbury gaol and examined. After him rose Mr. Oliver Cromwell to call attention to a gross slander against the House of which he held the proofs in his hand, and by which it seemed that "one whom he "named not lest he should withdraw himself" had given out that the principal members had been alarmed on seeing the intended City entertainment to his Majesty announced, and had sent privately to the said City to induce them not to entertain him. After Cromwell, Strode presented himself, to move that some course might be taken for putting the kingdom in a posture of defence, in which he was seconded by Sir Thomas Barrington and Sir Walter Earle; and upon the suggestion of the same active member, a committee of seven was named to draw up the whole proof of the first design to bring up the Army to overawe the House, and to prepare for introduction at the next sitting a bill for the "future commanding of the Arms and the Trained "Bands of the kingdom." The member for Beeralston also moved that reasons should at once be presented to his Majesty for the continuance of the Guard over both houses,[1] and that these should be drawn by the same

[1] This was on Saturday; and on the morning of the following Tuesday, the 30th of November, Pym presented those reasons in a remarkable report which shows how thoroughly existing dangers were appreciated, and how much was already suspected of the King's most cherished design. It adverted to the great number of disorderly, suspicious, and desperate persons, especially of the Irish nation, lurking in obscure alleys and victualling houses in the suburbs and other places near London and Westminster. It described the jealousy conceived upon discovery of the design in Scotland, for the surprising of the persons of divers of the nobility, members of the parliament there, which had been spoken of here, some few days before it broke out, not without some whispering intimation *that the like was intended against divers persons of both houses:* which had found the more credit, by reason of the former attempt of bringing up the army, to disturb and enforce this parliament. It en-

committee to whom it had been referred to prepare the Petition to accompany the Remonstrance. After this the House went into committee on the Tonnage and Poundage bill, with Mr. Lisle, the member for Winchester (he who afterwards sat on the King's trial), in the clerk's chair; and on the Speaker's resumption of his seat, between one and two o'clock mid-day, Pym entered with the Petition just named in his hand. He craved permission at once to be permitted to read it; and having done this, it was handed over to the Clerk, who "loudly and "deliberately" read it over again.

It was to the effect that his Majesty's faithful Commons did with much thankfulness and joy acknowledge the great mercy and favour of God, in giving his Majesty a safe and peaceable return out of Scotland into his kingdom of England, where the pressing dangers and distempers of the State had caused them, with much earnestness, to desire the comfort of his gracious presence, to help the endeavours of his parliament for the averting of that ruin and disaster with which his kingdoms at this

larged upon the conspiracy in Ireland, and indicated the alarming evidence existing that *something of the like was designed in England and Scotland.* It hinted at divers advertisements coming at the same time from beyond sea, "that there should be a great "alteration of religion in England in "a few days, and that the necks of "both the parliaments should be "broken." It instanced the recent divers examinations and dangerous speeches of the popish and discontented party; and the secret meetings and consultations of the papists in several shires and districts. And its authors concluded that for these considerations a guard was necessary; for they did conceive there was just cause to apprehend that *there was some wicked and mischievous practice still in hand to interrupt the peaceable proceedings of the parliament.* Nor less necessary did they consider it that the Earl of Essex should be continued in the command. "For preventing "whereof it is fit the guard should be "continued under the same command, "or such other as they should choose; "but, to have it under the command "of any other, not chosen by them-"selves, they can by no means con-"sent to; and will rather run any "hazard, than admit of a precedent "so dangerous both to this and future "parliaments. And they humbly "leave it to his Majesty to consider "whether it will not be fit to suffer "his high court of parliament to "enjoy that privilege of providing for "their own safety, which was never "denied other inferior courts: and "that he will be pleased graciously "to believe, that they cannot think "themselves safe under any guard, "of which they shall not be assured "that it will be as faithful in defend-"ing his Majesty's safety as their "own; whereof they shall always be "more careful than of their own."

time were threatened. For, having convinced themselves of the existence of a malignant party who had access to his person and councils, and whose unceasing endeavours were to discredit his parliament and to create a faction among his people, they had, for the prevention thereof, and the better information in sundry important particulars of his Majesty, the Peers, and all other his subjects, been necessitated to make a Declaration of the state of the kingdom as well before as after the meeting of the parliament now assembled. Before submitting which, they desired frankly to point out with what danger to the country, and grievous affliction to all loyal dwellers therein, the practice was attended of placing in employments of trust and nearness about his Majesty, the Prince, and the rest of his Royal children, active members of the malignant party before mentioned, favourers in all respects of popery, and mere engineers or factors for Rome; since it was by such, to the sore discontent of his loyal subjects, that divers of his bishops, and others in prime places of the Church, had been corrupted. They justified their right to give this warning, by the distractions and suffering so caused; by the continual tamperings with the army in England; by the miserable incidents and jealousies in Scotland; by the papist insurrection, and most bloody massacre, in Ireland; and by the great necessities which had in consequence arisen for the King's service, imposing upon themselves the task of burdening the subject for contributions to the extent of a million and a half sterling.[1] Not distantly

[1] Since the preceding sheets of this Essay went to press, some extracts from the MS. correspondence of the Moundefords of Norfolk (contributed to the Norfolk and Norwich Archæological Society), have been sent to me, from which I select one or two out of the many passages they contain, which may be added to the traits and characteristics of this lawless time, with which in former notes I have explained and illustrated the allusions in the Grand Remonstrance. From London, the 14th April, 1628, Sir Edmund Moundeford, member for Thetford in the third Parliament then sitting, and who sat for Norfolk in the Long Parliament, writes: "We went "this afternoon with our Speaker to "the King to deliver him a petition "for the billeted souldiers, what "answer we shall have is not known,

pointing at the Queen, they then urgently entreat his Majesty not to suffer any solicitation to the contrary "how powerful and near soever," to turn aside the three requests with which they concluded.—(1). That for the preserving the kingdom's peace and safety from the designs of the popish party, his Majesty will, in regard to the bishops,[1] concur with and second his people's humble desires in a parliamentary way[2] to abridge their immoderate power usurped over the clergy; to deprive them of their temporal jurisdiction in parliament; to take away such oppressions[3] in religion, church government, and

"Our house proceeds not with that "calme it did. God grant a good "end." On the 5th of the following month he writes: "Sorrye am I to "be a messenger of sadd tidings. "The feares of an ill ending of this "Parliament are now growne so great "as they command beliefe. Our last "day is appointed to-morrow seven-"night, and we are as farre from "ending our worke as when wee "began." In the interval between the Third and the Long Parliament, he writes: "We have no new sheriffs "pricked, nor shall not (it is said) "untill the now sheriffs have accounted "for this ship-money: in some "counties they pay, in others not, "*and many make the sheriffs take* "*distress.* New impositions are set "upon fruit, silver, pewter, pines, "and divers other things to the value "80,000 li. p^r ann. *There is a* "*patent to be granted for making* "*Salt, which will make us all smarte.*" From Drury Lane, on the 13th of November 1632, he writes: "On "Wednesday last, one Mr. Palmer "was censured 1,000 li. in the Star "Chamber for living in London con-"trary to the Proclamation, *and yet* "*he was a Batchelor, and never had* "*family, and lately had his man-*"*sion house burnt in the countrie.* "*There is diligent search made by* "*the constables of everie ward, and* "*the names taken of all such lodgers* "*as lay in towne the last vacation.*" The allusion in this last letter is to one of the most scandalous of all the projects for the plunder of the subject set on foot by this reckless government to enrich the exhausted treasury of the King. A Proclamation came forth from the Council Table commanding all who could not shew their stay in London to be absolutely necessary, to go within forty days and reside in their respective counties and at their mansion houses, "in order to hinder "them from wasting their estates" (!); and by the example which Sir Edward Moundeford here furnishes, some idea may be formed of the atrocities perpetrated under cover of this Proclamation. How truly says Bishop Warburton (Notes on Clarendon, vii. 579) that every now and then a story comes out which shews the Court to have been so exceedingly tyrannical as to abate all our wonder at the rage of those who had been oppressed by it.

[1] A great attempt was made, as stated in the text, but unsuccessfully, to limit the expression here to "divers "of the bishops," as in a previous passage.

[2] These words, "in a parlia-"mentary way," were moved to be added after the Petition was brought in.

[3] The word "oppressions" had originally stood "corruptions," and seems to have been changed on Mr. Coventry's suggestion.

discipline, as had been brought in and fomented by them; and to abate their pressure upon weak consciences by removing such oppressions and unnecessary ceremonies. (2). That the malignant and ill-affected be removed from their places of influence, and that in future his Majesty vouchsafe to employ near him, and in great public offices, only such persons as his parliament had cause to confide in. (3). That such lands in Ireland as may be forfeit to the Crown in consequence of the Rebellion, be not alienated from it, but applied to the public necessities.—Which humble desires being fulfilled, the authors of the Remonstrance undertook, by the blessing and favour of God,[1] most cheerfully to undergo the hazard and expenses of the war against the Irish rebels, and to apply themselves to such other courses and counsels as might, with honour and plenty at home, with power and reputation abroad, support the Royal estate, and, by their loyal affections, obedience, and service, lay a sure and lasting foundation for the greatness of the King, and the happiness of his posterity in future times.

After the Clerk had finished his reading, several members of Hyde's party stated objections; "to whom," says D'Ewes, "Mr. Pym answered. Then Sir John Culpeper "answered much of that Mr. Pym had said, and made "some new objections. Mr. Pym stood up again." But he was not permitted to speak. Mr. Strangways rose to order, many others rose to order, and the interruption was long and vehement. Hampden's authority at length again restored some quiet, upon his suggesting that it would probably be found within the rules of the House that Mr. Pym, being the reporter from the committee which prepared the Petition, might speak more than once, and might answer all objections. Here was opportunity made for D'Ewes; and that great master of precedents, and voucher of records, was not slow to take advantage of it. He got up and said that it was very true that the worthy gentle-

[1] "By the blessing and favour of "God" were words added, upon special motion, during the debate.

man at the Bar (indicating Mr. Pym), being the reporter, might speak as often as occasion should serve; and yet it was as true, also, that he might speak out of order. For, though he was at liberty to answer new objections that were made, yet, if those answers of his were replied upon, he was not at liberty to speak again to those particular points to which he had spoken before, by way of mere answer to him that did reply upon him. There was, however, no question but that the gentleman on the other side who first interrupted him did himself break the orders of the House in doing so; because it did not then appear whether the gentleman at the Bar would have answered any new objection, or would simply have spoken again to any of those particulars whereto he had formerly spoken.

"The distinction I gave," continues D'Ewes, "being "well approved by the House, and some few having "spoken after me, the Speaker directed Mr. Pym to "speak again to any new objection, but not to touch upon "any thing to which he had formerly spoken. And so "he spake again, and answered those new objections "Sir John Culpeper had made. Others spake also, after "him, to the said Petition in general. Then others "moved that it might be read over again, that so every "particular might be debated; which was at length "agreed unto. So the clerk read it again, and staid at "every clause awhile; and so some clauses were spoken "against, and others were agreed unto without any oppo-"sition. In one part of it, we alleged that the popish "and malignant party had corrupted divers of the bishops "with popery. In another part, that all the bishops had "exercised usurped authority. Whereupon it was moved, "by one or two, that we would not make the crimination "general here, but that we would put in the word 'divers' "as we had done in the former place. To which I "stood up and answered, that though some of the bishops "were of themselves so corrupt and bad as they could not "well be made worse, yet the word 'divers' was necessa-

" rily added in that clause, because they were not all so: this " being but a personal crimination. But in the other " clause, the complaint having reference to their pre- " latical jurisdiction, which was equally exercised by " them all, and defended and maintained by them all, " we should as much err on the other hand to add the " word 'divers' in this place, as we should have done to " omit it in the former place."

This lucid argument of the correct and learned baronet was doubtless very favourably received, for the word so much desired by Hyde and his friends was not allowed to limit the force of the sentence. But a further stand was attempted to be made against the use of the words " cor- " ruptions " and " unnecessary ceremonies," in speaking of the necessity of abating the immoderate power of the bishops; Hyde urging strongly that such words laid a scandal upon the law itself, in so characterizing a church discipline it had established. His friend Mr. Coventry also put another objection, whether, seeing the intention was to have those particulars in the discipline of the church altered by law, it was not quite out of rule to " preoccupate " his Majesty with it beforehand. Surely, when the new church-regulation acts should have once passed both houses, then it would be seasonable, and not before, to move his Majesty about it. This, however, again called up D'Ewes. He could not admit the force of the objection taken. It was an old, and he thought a wise usage, when the means offered, to move the Sovereign beforehand as to particulars proposed to be passed by act of parliament. For if the gentleman on the other side who last pressed it (" and then I looked towards Mr. " Coventry") had but had time to peruse the Parliament Roll de an°. 2^do^. H. IV. no. 23, he would have found that the same course was then advised upon: to the end that so, by knowing the King's inclination beforehand, they might save much time in avoiding to treat of particulars which there was no hope of obtaining his assent unto. And, holding that if it were ever needful to take that course

to gain time, it was so at this moment, he thought the word "corruption" might very well stand. On the whole, however, Pym seems to have thought differently; whether or not from some feeling of distaste to the logic employed, or to the sentiments expressed, by Sir Simonds; and "corruption"[1] having been withdrawn, and "oppres-"sion" substituted, the Petition passed.

It now remained to present it to the King, with which view it was ordered to be engrossed; and direction was given that the Clerk should also cause two copies of the Declaration itself to be fair written, one for his Majesty to be presented with the Petition, the other for the Lords; and that the Committee for presenting it should be named at the next sitting but one. On Tuesday, the 30th, it was accordingly moved that this committee should consist of twelve members, and the twelve selected were, Sir Simonds D'Ewes; Sir Arthur Ingram, member for Kellington; Sir James Thinne, who sat for Wiltshire; Mr. Henry Bellasis, and Lord Fairfax (Ferdinando), who both sat for Yorkshire; Lord Grey of Groby, member for Leicester, Earl Stamford's second son, and hereafter to sit among the regicides; Sir Christopher Wray, who represented Great Grimsby; Sir John Corbet, member for Shropshire; Sir Richard Wynne, member for Liverpool, who held an office in the King's house;

[1] Nevertheless, and notwithstanding the change of this word, it is remarkable that in the answer which the King sent to the Petition (in which he stigmatises the Remonstrance as "unparliamentary," and intimates his surprise that "our ex-"press intimation, by our Comptroller, "to that purpose," should not have restrained them from the publishing of it till such time as they should have received his answer), he quotes, not from the Petition as amended, but from some copy of it which he had received in its original form. "Unto "that clause," he says, "which con-"cerneth Corruptions (as you style "them), in Religion, in Church "Government, and in Discipline, and "the removing of such unnecessary "ceremonies, &c." Again he says, "We are very sorry to hear in such "general terms, Corruption in religion "objected," &c. Now in the Petition as published by the House it will be found that the clause stands expressly as concerning "Oppressions in "Religion, Church Government, and "Discipline, and again as referring to "some Oppressions and unnecessary "ceremonies;" bearing out and confirming exactly the narrative given in my text.

and Sir Ralph Hopton, Sir Edward Dering, and Sir Arthur Haselrig. There was here a liberal apportionment of those who, being known to have opposed the Declaration, were less likely to be unwelcome to the King; and that the same tenderness on this point determined Pym to withdraw his own name, which appeared among those first selected,[1] hardly admits of a doubt. The same deference to the feelings of the Sovereign seems also to have suggested a resolution moved the next morning (when the Committee were in waiting in the house to receive the Petition and Remonstrance, and repair therewith to Hampton Court) to the effect "that Sir Edward Dering should present and read "the Petition unto his Majesty." The Petition only was to be read, after which the Remonstrance was to be placed in his hands. Sir Edward Dering, however, probably suspecting that into much consideration for the King in this matter had entered not a little want of consideration for himself, quietly withdrew from the house while the resolution was in hand; and upon discovery of his absence another order had to be substituted, "that Sir Ralph Hopton, in the absence of Sir Edward "Dering, shall read the Petition and present that and "the Declaration unto his Majesty."

And so, the Speaker calling to Sir Simonds D'Ewes to receive Petition and Remonstrance, to which Sir Simonds responds by advancing from the lower end to the table, making three congees as he moves along, the Committee get possession of their important charge, and betake themselves to Hampton Court.

The next day, Thursday the 2d of December, Sir Ralph Hopton reported to the House what had passed there. With the exception of Sir Edward Dering, all the deputation assembled,[2] and on arrival at the palace, the

[1] See *Rushworth*, vol. i. part iii. 486.

[2] D'Ewes has subsequent occasion to refer in his Journal to the Remonstrance "presented at Hampton Court "by myself and ten other members "of the House," which shews that the only defaulter in attendance, out of the twelve named, was Sir Edward Dering.

member for Liverpool, who had familiar entrance therein, having announced them, they had to wait but a quarter of an hour before the King invited them to his chamber. Here they sank upon the knee, and in this posture Sir Ralph began to read the Petition. But Charles would not have it so, and making them all rise, listened attentively as Sir Ralph proceeded, until he came to the passage charging the malignant party with a design to change the established religion, when his Majesty suddenly interrupted him, exclaiming with a great deal of fervency, "The Devil take him, whomsoever "he be, that hath a design to change our religion!" Then Sir Ralph resumed; but just after reading the sentence towards the close about reserving the disposal of the rebels' lands in Ireland, his Majesty again broke in and was pleased to say, "We must not dispose of the "Bear's skin till the Bear be dead." His Majesty, in short, was in excellent spirits; showed none of his usual short sharp ways; and, after they had finished reading the Petition and had placed the Remonstrance before him, seemed perfectly disposed to have some familiar talk with the Committee. Its object, however, speedily revealed itself on his desiring merely to ask the worthy members a few questions touching this Remonstrance and the Petition they had read. Royalist as he was, Sir Ralph Hopton saw the danger, and made reply respectfully that they had no commission to speak anything concerning the business. "Then," the King quickly rejoined, "you "may speak as particular men. Doth the House intend "to *publish* this Declaration?" But not so were those ancient parliament men to be thrown off their guard; and they answered simply that they could give no answer to it. "Well then," said the King, "I sup- "pose you do not expect *me* to answer now to so long "a petition. But this let me tell you, I have left Scot- "land well, and in peace; they are all satisfied with me, "and I with them; and though I stayed longer there "than I expected, yet I think, if I had not gone, you had

"not been rid so soon of the army. And as to this "business of yours, I shall give you an answer with as "much speed as the weightiness of the business will "permit." With which he gave them his hand to kiss, committing them to the entertainment of his comptroller, and the lodgment of his harbinger; both being of the worthiest. And Sir Ralph craved to conclude his report with faithful repetition of the royal message which, just as they were on the point of leaving the palace, was brought to them with request for its immediate delivery to the House of Commons: "*That there might be no* "*publishing of the Declaration till the House had received his* "*Majesty's answer.*"

The reader will now judge to what extent the facts justify Clarendon in stating, that, when it was finally resolved to publish the Remonstrance, this was done in violation of a compact or understanding against any such step until the King's answer was received. On the one side there was a strong wish expressed undoubtedly, but on the other this wish was met by neither compact nor understanding. If indeed there were any violation in the case, it might more fairly be charged upon the King. He told the Committee that he did not at that time design to answer their Remonstrance, yet there was hardly an act at this moment contemplated by him, or to which he had set his hand since his arrival in London, which did not practically express his answer. It was in his proclamation for obedience to the laws regulating worship, in his order for the dismissal of the City Guard over the houses, in his direction that they should in future be guarded by the bands of Westminster and Middlesex officered by his own servants, and in his proposed removal of Balfour from the command of the Tower. Already he had ended all doubt as to the temper in which he had returned; and many to whom even the voting of the Remonstrance had appeared of doubtful expediency, now saw and admitted the necessity of publishing it to the people. Manifestly at least had its

promoters succeeded in its first design; for the challenge it threw down had been promptly taken up. If the King had been sincere in his former professions of an intention to govern for the future within the limits of the laws he had himself assented to, there was nothing in the Remonstrance to defeat that intention; but if he had any other as yet masked desire or purpose, such was no longer maintainable. He never had a better opportunity than the present for betaking himself to parliamentary ways of asserting his power and prerogatives, but events were speedily to show with what far other views he was now inviting into office two out of those three of the House of Commons (calling also into secret council the third) who had organised and led the new party of his friends within its walls. Something less than twelve days are to pass before the debate which is to put finally before the people the Grand Remonstrance, and if the wish still lingered with Hampden or with Pym to have been saved, if possible, the necessity of that appeal, each day supplied its argument against such a possibility. I will select but a few, from the manuscript records before me, to show with what resistless march, as day followed day, the crisis came on.

The rumoured removal of Balfour from the command of the Tower was the first direct challenge to the House. Balfour stood high in their confidence for his unshaken fidelity in preventing the escape of Strafford, whereas Clarendon himself admits[1] that Lunsford, selected to replace him, was a man of no education, of ill character, and of decayed and desperate fortune, who had been obliged, but a few years before, to avoid by flight

[1] Though of course, as with all the acts of the King which had immediately disastrous issue, he makes Lord Digby the scapegoat, and charges the ill counsel upon him. —*Hist.* ii. 123. The King's object, as Clarendon frankly admits, was that having now some secret reason to fill the place with a man who might be trusted, he selected Lunsford as one who would be faithful to him for this obligation, and execute anything he should desire or direct. In other words, as is remarked by Warburton (vii. 547), who puts in plain speech Clarendon's laboured periphrasis, "*to keep the Five Members safe whom it was determined to arrest.*"

into France the penalty of punishment for a grave misdemeanour. Such indeed was the feeling in the City aroused by his appointment when, in less than three weeks from this time, it actually took place, that under the pressure of very alarming indications of riot, the King had to withdraw it. Even already a certain uneasy feeling in the City connected itself with a sense of the insecurity of the Tower, and the report of Balfour's removal led to some tumultuous gatherings on the Monday after the King's return, and spread great alarm among the well-affected.

That was on the 29th of November. On the morning of that same day, the new Guard to the houses was sent under command of Lord Dorset by the King, by way of reply to the reasons drawn up by Pym[1] and presented in the name of both houses; and before the day had closed, swords were drawn and muskets fired upon the people.[2] It was thus fast coming to an issue outside the walls of parliament, upon the suggestion or incitement of the sovereign; invitations were going out to the people to throw on either side their weight into the scale; and soon perforce the question must arise to which of the parties contending that power would most freely lend itself, to uphold monarchical pretension, or to strengthen and establish parliamentary privilege.

On the morning of the 30th of November, Pym, Hampden, and Holles went up to the Lords with a message for the discharge of the train-bands which the King had so substituted for their own. As Clarendon puts it, "since they could not have such a guard as pleased "them, they would have none at all" (ii. 86). And so, the Lords consenting, Lord Dorset and his followers were dismissed, the Commons at the same time declaring that it should be lawful, in the absence of a guard duly

[1] See *ante*, p. 135.

[2] "The Earl of Dorset's indiscreet "rashness this day," writes D'Ewes, on the 29th, "might have occasioned "the shedding of much blood—he "commanded some of the guard to "give fire upon some of the citizens "of London in the Court of Requests "or near it."

appointed, for every member to bring his own servants to attend at the door, armed with such weapons as they thought fit.[1]

The next move in the perilous game was made by Hyde and his party, to whom the popular riot of Monday offered good pretence for complaint of such pressure and coercion as "consisted not with the freedom of parliament." In that expression their whole policy revealed itself; its entire aim and end lay there; and, in the same temper which had now supplied the occasion, it was eagerly followed up. It is not, I think, possible to doubt, that, from the day when Charles had left for Scotland in the autumn, his cherished and steadily pursued purpose was to find ground for revoking whatever had been done that was unpalatable to him during the past year; and such ground would be furnished by the pretence that parliament had not been free. Every act of himself or his partisans, therefore, assumed now that specific form and direction. The case of the protesters against the Grand Remonstrance he took where they left it, and made his own. Not they who passed it, but they who protested against it, were his faithful Commons. But they were under a tyranny both within and without the house which prevented fair expression of opinion.

On the return of the leaders to their seats after removal of Lord Dorset's men, at mid-day of the 30th of November, Hyde rose, and craving leave to advert again to the incident of the guard, taxed the London citizens and apprentices with having come on the previous day armed with swords and staves to Westminster specially to overawe particular members from voting as they wished. He was interrupted by the demand for instances; upon which Sir John Strangways said aside to those who sat near him; that he could extinguish some loud talkers and

[1] Such is Clarendon's account (*Hist.* ii. 86), but the notice in the journals of the 30th of November simply says—"Ordered, that the "guard shall be dismissed; and that "Mr. Glyn and Mr. Wheeler do "require the High Constable of "Westminster to provide a strong "and sufficient watch in their "steads."

interrupters in that house perhaps were he to tell what he knew. "Tell it, then," was the cry of one who overheard him; and the member for Weymouth rose, nothing loath. He wished Mr. Speaker to inform him whether the privilege of parliament was not utterly broken if men might not come in safely to give their votes freely? Well, then, he must tell them that he had received information of a plot or conspiracy for the destruction of some of the members of that house, which he conceived to be little less than treason; and he had moreover grounds to believe that some other of the members of that house were either contrivers of it, or had consented to it; and he therefore desired that the Lord Falkland, Sir John Culpeper, and some three others, might be appointed a select committee to examine the matter. Upon which not very impartial proposal arose, not unnaturally, great murmurs, ending in peremptory order that Sir John should presently declare the whole matter in particulars, and not lay suspicion and charge indiscriminately upon members of the house. Authority for the statement was handed in accordingly, and proved to be to the effect[1] that a certain "lusty young man," a haberdasher's apprentice in Distaff Lane, had boasted to certain parties of having been one among a thousand or so, who with swords and staves had betaken themselves to Westminster Palace Yard; his master, who was a constable, having given him

[1] I furnish these curious details from the manuscript Journal so often referred to; the paper produced by Strangways being entitled "A brief "of the Discourse had between one "Cole, an apprentice to Mr. Mans-"field, an haberdasher in Distaff "Lane, and one John Nicholson, "D.D., in the presence of Stephen "Tirrett, uncle to the said Cole, and "John Derivale, both Chelmsford "men." The Rev. Doctor is the informant, and appears to have been sitting conversing with the said Tirrett and Derivale, probably on theological subjects, "in his lodgings "in Gracious Street between nine and "ten of the clock," when that very respectable lad, Stephen, came in somewhat elatedly to tell his uncle the news above mentioned. Mr. Kirton's respectable citizen, on the other hand, whose man came to him when he was smoking with his friend Mr. Farlow of Wood Street, was one Mr. Lavender; and the witnesses who signed the relation averred that when Mr. Lavender heard what his man told him he instantly departed, "and the rest of "the company were much troubled."

a sword and ordered him to go; in fact, that some parliament men had sent for them; and that the intent of their going was because of news of some certain division among the members of the lower house, in which the best-affected party, whom they were to assist, were likely to be overborne by the others; but that finding all quiet, and both sides agreeing well together, they had come home again.

Yes, well, and is this all? became the cry when Sir John Strangway's relation was ended. Where, then, is the evidence against members of this house, and who *are* the members impugned? "That I can "answer," cried an active partizan of Hyde's, Mr. Kirton, the member for Milborn Port; who thereupon handed in a further piece of evidence, to the effect that a worthy London citizen, being in Wood-street taking tobacco with some friends on the day in question, there came his man to him and brought him word that a message was arrived from Captain Ven (member for London, he who afterwards sat on the trial of the King) to desire him to come away speedily armed to the House of Commons, for swords were there drawn, and the well-affected party was like to be overborne by the others. During the reading of this paper Captain Ven came into his place, and would at the moment have answered to it; but the House thought it not fit till somewhat were proved, and, as to the preceding relation, conceived that Sir John Strangways had considerably overstated himself, and had ventured upon an accusation which his information in no respect warranted. On which Pym, rising with unusual gravity of manner, put this very significant question to Mr. Speaker: "Whether, "though the worthy member had failed to prove his "charge of a conspiracy, either contrived or consented "to by members unnamed, for the destruction of other "members more plainly referred to, he had yet not "succeeded in proving very fully, that there WAS *a* "*conspiracy by some members of this house to accuse other* "*members of the same of Treason?*"

On the second of December, and on the third, the subject of these out-of-door demonstrations continued still under debate. Edmund Waller inveighed much against the Londoners for coming to Westminster in so tumultuous a manner and crying openly, No Bishops! no Bishops! and boldly justified the Earl of Dorset in the course he had taken, saying he had done nothing but what he was necessitated unto. Strode took the other side as warmly, declaring that the citizens had *not* come in any tumultuous or unlawful manner. Culpeper answered him, and in rough overbearing speech reiterated the charge that there had been a very unjustifiable tumult. To him succeeded D'Ewes, who declared himself of Mr. Strode's opinion, and that it was matter for grave inquiry that the Lord Dorset should have advised his musqueteers to shoot the citizens, and his pikemen to run them through, when they came simply, with all affection and faithfulness to the House, to attend the issue of their petitions to the high court of Parliament. Whereupon again started up Sir John Culpeper, speaking to order, and calling upon Sir Simonds D'Ewes to explain what he meant by talking of —— But then Sir Walter Earle rose to order from the other side, and said that no individual had the right, except with authority of the whole House, to take exceptions to what had fallen from any member. Culpeper hereon resumed his seat, and D'Ewes himself was heard to the point of order. He simply desired the gentleman on the other side of the way might be allowed to speak, and to name the words he would except against. On which Culpeper stood up again and said, more mildly, that what he intended to have remarked was out of a great deal of respect to the worthy member who had just spoken, well knowing he had no ill intention, whatever words might slip from him. But what did he mean by mentioning the citizens' "loyalty" to that house? Was loyalty due, and to be paid, there or elsewhere? "Which very words," interposes D'Ewes in his Journal, "I either certainly spake not at all, or not in one

" common clause together." (In his own report, in the same manuscript record, the words are "affection and " faithfulness," not loyalty.) "Wherefore I stood up " myself, not one man calling on me, to explain; and " I said 'For the words themselves, I do not remember " ' that I spake them, and for that I appeal to the whole " ' House' (upon which there followed a great silence, " and I did not hear one man second Sir John Culpeper's " charge). ' But if I had spoken the words, I conceive " ' that gentleman would take no exception to them if he " ' will but peruse Littleton in his chapter of Homage, " ' where he will find that one subject may owe loyalty " ' to another without breach of his loyalty to the King.' " Whereupon the House rested satisfied. Sir John Cul- " peper sat silent; and many laughed at the impertinence " of his exception, hearing how fully I had answered him " upon the sudden. In which," adds the good Sir Simonds in a parenthesis, "I did very much acknowledge " God's assistance in furnishing me with so apt and " present a reply."

The temper of the majority of the House, in close juxtaposition and contrast with that of its minority of royalist opposition, appears in these curious and valuable records; and still more unmistakeably was it shown in the afternoon of that same 3d of December, when Pym rose and called attention to the stoppage of all legislative business by the rejection of, or refusal of the Lords to proceed with, various bills that had been sent to the upper house. He moved for a committee to review what bills they had passed and the Lords had rejected, and the reasons why; and if the Lords would not join with them,[1]

[1] It was but a few weeks after this that Pym summed up these and similar obstructions made by the Lords, at a conference with that House, and closed his speech in these very memorable words:

"We have often suffered under the "misinterpretation of good actions, "and false imputation of evil ones "which we never intended; so that "we may justly purge ourselves from "all guilt of being authors of this "jealousy and misunderstanding. "We have been, and are still, ready "to serve his Majesty with our lives "and fortunes, with as much cheer- "fulness and earnestness of affection "as ever any subjects were; and we

then let them go to the King; having first put their Declaration before the people, which would enable *them* to see where the obstructions lay. "We may have our "part in the misery occasioned," he said, "let us be "careful that we have no part in the guilt or the dis- "honour." He further threw out the suggestion that since the Lords possessed the undoubted right to protest in their individual capacity, and were not constitutionally involved by the major part, it would be well that they should take those protesting Lords with them, and represent jointly to the King the causes of obstruction. A proposal which called forth instantly a retort from the quarter where Hyde's party sat; for up sprang Mr. Francis Godolphin, Edmund Waller's colleague in the representation of St. Ives, and asked Mr. Speaker to inform him, whether, if the majority of that House went to the King with the lesser part of the Lords, "*the greater part of the Lords might not go to the King* "*with the lesser part of us.*" Mr. Godolphin's suggestion was startling, and he was reprimanded and had to make due submission for it;[1] but nothing could more

"doubt not but our proceedings will "so manifest this, that we shall be "as clear in the apprehension of the "world, as we are in the testimony "of our own consciences. I am "now come to a conclusion. I have "nothing to propound to your Lord- "ships by way of regret or desire "from the House of Commons. I "doubt not but your judgments will "tell you what is to be done. Your "consciences, your honours, your "interests, will call upon you for the "doing of it. The Commons will be "glad to have your concurrence and "help in saving of the kingdom; but "if they fail of it, it shall not dis- "courage them in doing their duty. "And whether the kingdom be lost "or saved, (I hope, through God's "blessing, it will be saved!) they "shall be sorry that the story of "this present parliament should tell "posterity, that in so great a danger "and extremity the House of Com- "mons should be enforced to save "the kingdom alone, and that the "Peers should have no part in the "honour of the preservation of it; "having so great an interest in the "good success of those endeavours, "in respect of their great estates and "high degrees of nobility."

[1] "Ordered that on Tuesday next "the House shall take into considera- "tion the offence now given by words "spoken by Mr. Godolphin."—*Commons' Journals*, 3rd Dec. The offence is not further specified. On the Tuesday named, an order appears "that the "House do take into consideration, on "Thursday next, such words spoken "by members of this House, to which "formerly exception hath been "taken."—*Journals*, 7th Dec. Alas! however, on the Thursday named

perfectly have revealed all that at this time filled the minds and hopes of the King and his friends. And if the right blow could only be aimed, at the right time, against the leaders of the Commons, the way to its accomplishment seemed not remote.

That was on Friday the 3d. On Monday the 6th, Cromwell brought forward a case of interference by a peer with House of Commons privileges, which had no tendency to abate the prevailing excitement. He charged Lord Arundel with having sought unduly to influence and intimidate burgesses of the borough of Arundel in regard to new elections. This appears to have raised an animated debate, in the course of which a doctrine laid down by Hyde and Culpeper, to the effect that Lords *might* "write "commendatory letters" during the progress of an election, was somewhat roughly handled. But Tuesday the 7th saw a still more startling proposition launched from the other side—a proposition so notable indeed, that Clarendon in his History is disposed to single it out, and set it apart, as the sole cause and ground of all the mischiefs which ensued. Nevertheless it will probably seem to us, after watching the course of events immediately before and since the return of the King, but as an advance or step, hardly avoidable, in the hazardous path which had been entered. The necessity of greatly increasing the forces of the realm was not more obvious, than the danger of entrusting to an executive in whom no confidence was placed, the uncontrolled power of disposing those forces. The disaffected spirit of the army, as now officered, and in the midst of a frightful rebellion raging in one of the three kingdoms, was no longer matter of doubt. Irrefragable proofs of the second army plot had been completed; and resolutions were at this time prepared, to take effect on the day after that to which my narrative has arrived, disabling four of those officers, men high in

(the 16th), occurred the King's great breach of privilege in taking notice of a Bill while in progress, and the matter was again deferred. I have not cared to pursue it further.

the King's confidence and to whom he afterwards gave peerages, from their seats in the lower house as guilty of misprision of treason; by name Wilmot, Pollard, Ashburnham, and Piercy, members for Tamworth, Beeralston, Ludgershall (Wilts), and Northumberland. The distrust felt by the Commons on the King's removal of their guard, the resolutions as to the defence of the kingdom which they passed on that troubled Saturday after his return, and the incident now to be related, receive only their full explanation from keeping such facts in view.

On Tuesday, the 7th of December, Sir Arthur Haselrig rose in his usual place in the gallery of the house, and presented a Bill for settling the militia of the kingdom by sea and land, under a Lord General and a High Admiral, to whom it gave great powers to raise and levy forces. It was styled An Act for the making of (Blank) Lord General of all the Forces within the kingdom of England and dominion of Wales, and (Blank) Lord High Admiral of England. Clarendon says that this bill had been privately prepared by the King's solicitor, St. John; and that his influence as a lawyer, on his declaring the existing law to have been so unsettled by disabling votes of the two houses that a special enactment was become absolutely necessary, mainly led to the bill being permitted to be read. But while his statements here are to be taken with even more than the usual caution,[1] it is to be

[1] Perhaps no more remarkable warning could be given of the scrupulous care with which Clarendon's History should be read, and of the danger of trusting to its statements even where there is no suspicion of bad faith, than is afforded by his account of the first introduction of this Bill for putting the power of the militia substantially into the hands of the House of Commons. In his Fourth Book (ii. 76), speaking of the exact period to which my text refers, he says that there was "at this time, "or thereabout," a debate started in the house, as if by mere chance, which produced many inconveniences thereafter; and, indeed, if there had not been too many concurrent causes, might be thought the sole cause and ground of all the mischiefs which ensued. And then he describes "an "obscure member" moving unexpectedly "that the House would enter "upon the consideration whether the "Militia of the kingdom was so "settled by law that a sudden force, "or army, could be drawn together "for the defence of the kingdom, if "it should be invaded, or to suppress

remarked that D'Ewes, while he says nothing absolutely inconsistent therewith, does not expressly confirm them;

"an insurrection or rebellion, if it "should be attempted." He goes on to say that the House kept a long silence after the motion, the newness of it amazing (until the edition of 1826, this word had been printed "amusing") most men, and few in truth understanding the meaning of it; until sundry other members, not among the leading men, appeared to be so moved by the weight of what had been said, that it grew to the proposition of a committee for preparing such a bill, whereupon Mr. Hyde so strongly opposed it as encroaching on the royal prerogative, that the House appeared satisfied to take up another subject: when the king's solicitor, St. John, "and the "only man in the house of his learned "council," got up and questioned Mr. Hyde's law, observing that the question was not about taking away power from the King (which it was his duty always to oppose), but to inquire if the sufficient and necessary power existed at all. This he regretted to say he did not believe, supporting his opinion by the many adverse votes which that House had passed against the ordinary modes of levy in the King's name by means of commissions to Lord Lieutenants and their subordinates; and the result of his display of learning was, that in the end he was himself requested to introduce such a bill, which, within a few days after, was actually brought in, enacting "that henceforward the "militia, and all the powers thereof, "should be vested in ——" and then a large blank was left for inserting names, in which blank, the Solicitor urged, they might for aught he knew insert the King's, and he hoped it would be so. This bill, he concludes, notwithstanding all opposition, was read, "they who had contrived it "being well enough contented that it "was once read; not desiring to "prosecute it, till some more favourable conjuncture should be offered: "and so it rested." (ii. 80.)

Now having proceeded so far, let the reader turn back to the Third Book of the same History (i. 486), and he will there find that the same historian, professing to speak of the period immediately before the King's departure for Scotland, antedates the whole of the transaction just described; and narrates quite differently, and as though impelled by motives and inducements altogether different, events precisely the same. His object now is to show that the leaders of the House were anxious to prevent the King's departure by warning him that he was leaving affairs in a dangerously unsettled state, and without sufficient powers inherent to the laws and constitution to meet the danger. "And "therefore," he continues, "one day "Sir Arthur Haselrig (who, as was "said before, was used by the leading "men, like the dove out of the ark, "to try what footing there was) pre-"ferred a bill for the settling the "Militia of the kingdom both by sea "and land in such persons as they "should nominate." He adds that there were in the bill no names, but blanks to receive them, when the matter should be passed; and that when the mere title of the bill was read, it gave so general an offence to the House that they seemed inclined to throw it out, without suffering it to be read: not without some reproach to the person that brought it in "as "a matter of sedition:" till Mr. St. John, the King's Solicitor, rose up and spake to it, and ("having in "truth himself drawn the bill") defended its provisions, declaring his belief as a lawyer, that the power it proposed to settle was not yet by law vested in any person or in the Crown itself, the House by their votes having blasted the former modes of proceeding by the ordinary royal commissions to Lord Lieutenants and their deputies;

and D'Ewes's account, of which I proceed to give an abstract from his manuscript, is the only other on record, so far as I am aware, of this memorable debate.

Haselrig had scarcely named the provisions of the bill when a great many members cried, "Away with it!" and others that they should "Cast it out!" Sir John Culpeper started up on the instant of Haselrig's resuming his seat, and after wondering that the gentleman in the gallery should bring in such a bill, moved at once that it be rejected. Sir Thomas Barrington, though he had voted with the majority in all the Remonstrance debates, regretted that he could not support the particular measure, and wished it might be thrown out; but he thought another less objectionable should be brought in with similar design. Strode "and others" spoke for it

that such a bill therefore was necessary; and that for the nomination of persons under it, this was a matter not requiring to be settled on the reading of the bill, for if it seemed too great for any subject it might be devolved upon the Crown. "Upon "which discourse," Clarendon concludes, "by a person of the King's "sworn council, the bill was read; but "with so universal a dislike, that it "was never called upon the second "time, but slept, till, long after, "the matter of it was digested in "ordinances" (i. 488).

Infinite of course has been the confusion, to readers, consequent on these two versions of the same incident, dated at different times, and having objects quite dissimilar; and it has still further been increased by a statement of Nalson's (*Collections*, ii. 719) that Haselrig's bill was rejected indignantly on its introduction, by a majority of 158 to 105. The one point on which Clarendon is not inaccurate is, in stating, in both his narratives, that the bill *was* read. The error in this respect has arisen from a too hasty reading of the Commons' Journals (ii. 334), where the Yeas at the division appear undoubtedly as 125 (not 105), and the Noes as 158; but it has been overlooked that the division was taken not on the question whether the bill should be read, but whether it should be rejected. The names of the tellers are quite decisive, Culpeper and Cornwallis being for the Yeas, and Denzil Holles and Sir W^m^. Armyn (member for Grantham, and afterwards a king's judge) for the Noes. Even that generally accurate and reliable writer, Mr. Bruce, has fallen into error on this point (see Verney's *Notes*, p. 132), and supposes the bill to have been rejected. I take the opportunity of adding that Nalson's *Collections*, which, by some extraordinary freak in the fortunes of books, has been generally accepted as an authority on these times, is an utterly untrustworthy farrago of violent party rubbish, compiled towards the close of Charles the Second's reign, for the special delectation of his Majesty and as an antidote to Rushworth, by an unscrupulous royalist partizan who had himself no personal knowledge of the events over which he exercised an unlimited right of the grossest abuse and misrepresentation.

strongly; and then D'Ewes himself rose and made a lengthy speech in its favour, duly self-reported, but with which the reader need not be troubled. Divers followed him, speaking on either side, some for, and others against the bill, and many using violent expressions against it. Mr. Thomas Cook, for example, the member for Leicester, declared that one Hexey in Richard the Second's time, for introducing, in the twentieth year of that reign, a bill against the King's prerogative of far less consequence than this, had been condemned as a traitor. Nor did Mr. Mallory, the member for Ripon, speak less violently on the same side. He denounced the bill as fit to be burned in Westminster Palace Yard, and the gentleman who brought it in as deserving to be questioned. On the other hand, several rose and excepted against Mr. Mallory's speech, as rather thinking *it* more worthy to be questioned: but hereupon Strode got up and remarked that he thought Mr. Mallory's speech in some sort excusable, as having been occasioned by the speech of a gentleman that sat near him (alluding to Mr. Cook) who had once before cited in that house a highly dangerous precedent. Great cries of assent followed this remark, and many rose in succession to enforce it, until, in spite of dissentients, Mr. Cook was called up to explain. But what he said not satisfying the House, he was ordered to withdraw, while some would have had his further attendance suspended. Meanwhile a sudden thought had occurred to D'Ewes, which he had immediately proceeded to execute. "During this debate," he says, "I retired out of the house to my lodging in Goats-" alley, near the Palace, and there searched out the " precedent. On my return I said that the gentleman " now withdrawn was a young man, and a man of hope, " and therefore I desired that he be not too much dis-" heartened. I thought him more punishable for mis-" reciting, than for citing, precedents. The precedent in " question was not against the King's prerogative, but " against the excessive expenses of the King's household;

" and though Hexey was sentenced, he was afterwards " cleared by Parliament. Therefore the greatest censure " I would have laid upon this gentleman is, that he would " cite no more records till he shall have studied them " better. At which divers of the house laughed:" and Cook having been called in, and admonished by Mr. Speaker,[1] Haselrig's bill passed to a division. Sir John Culpeper and Sir Frederick Cornwallis were tellers for the Yeas, which were 125, to reject it; and Denzil Holles and Sir William Armyn, member for Grantham, for the majority of 158 in its favour. And so the bill was read a first time.

Next day, Wednesday the 8th, Geoffrey Palmer made his submission and was released from the Tower. The day following, the expulsion of the officers convicted of complicity in the second army-plot took place; and on the morning after, Friday the 10th of December,[2] the members were startled, on coming to take their seats, to find a new guard of Halberdiers set upon the doors. A debate upon the report as to the Public Debt, handed in

[1] The only notices hitherto given of this incident appear in the *Journals* and in Verney's *Notes*. "Some excep- "tions were taken to Mr. Coke for "the misalleging of precedents; and "after he had explained himself, he "was, according to the order of the "House, commanded to withdraw. "Resolved upon the question, That "Mr. Coke shall be called down, and "in his place, have an admonition "for the words that fell from him. "The Speaker told him in his place "that he was commanded to admonish "him, that he should take a care "hereafter, how he did allege or ap- "ply Precedents in this house."—*Journals*, ii. 334. Verney says in his *Notes:* "Sir Arthur Haselrig did "bring in a bill to dispose all the "Militia of England into two generals "for life. This bill was thought fit "by some to be rejected, and Mr. "Thomas Cook said, it was in his "judgment worse than the bill brought "in by Hexam in Richard the Second's "time, by which he was accused of "high treason. For this speech he "was questioned and taxed, for cit- "ing but half the precedent, for "Hexam was afterwards cleared by "parliament. For this offence he re- "ceived an admonition in his place, "by the Speaker."—*Notes*, p. 132.

[2] On the same morning I find a point of order and reverence settled by Mr. Denzil Holles. "On Mr. "Holles' motion," says D'Ewes's Manuscript, "it was declared the "ancient order of the house that when "men came in and went out of the "house, they ought to make three "reverences; and that if any were "speaking on the lower form, they "ought to go about, and not to come "up towards the table"—interrupting honorable speakers!

by Sir John Hothain the previous day, and upon the immediate necessity of raising men and money for the requirements of the Irish Rebellion, was in progress, when Sir Philip Stapylton stood up and called attention to the fact that there was a new guard set upon the house of two hundred men with halberts. Much agitation ensued upon this, the business immediately in hand was dropped, and some fear and trouble found expression. Upon particular inquiry it was discovered, that the plea for this new show or threatening of force was a report which had gone abroad of a great petition coming from the City against the bishops' votes, and against the obstruction by the Lords of other matters of which the settlement was much to be desired, which petition, accompanied by large numbers of citizens, was to be presented the following day. "Then we were informed," says D'Ewes, "from several hands, that the original ground of those "men assembling was upon a writ from the Lord Keeper "pretended to be warranted by the statute of Northampton "(13 Henry IV.) for the better suppressing of Routs and "Riots:" in obedience to which writ the under-sheriff and magistrates of Middlesex had issued order for the placing of the Halberdiers. The matter was debated with unusual gravity and earnestness, and, upon the motion of Pym, not only was a resolution passed that the placing of such a guard without consent of the House was a breach of privilege, but orders were issued for bringing before them at nine o'clock on the following morning the various magistrates by whom the warrants had been signed. Instant steps were at the same time taken for removal of the Halberdiers,[1] and while these were in pro-

[1] The subjoined order and resolutions appear upon the *Journals* (ii. 338), "Ordered that the serjeant "shall require some of the Halberdiers, or some of those that have "the command of them, to come "hither to the bar. The bailiff of "the Duchy of Lancaster being called "in, was demanded by what authority he brought down men armed: "He said the Sheriff received a writ "from the Lord Keeper, and that the "Undersheriff gave him warrant to "do it.....Resolved upon the question, That the setting of any guards "about this house, without the con-

gress, at about two o'clock in the afternoon, Sir Christopher Yelverton entered, and said that divers of the Lords were now come, knowing nothing at all of the setting of this new guard, and were startled at it "as much as ourselves." A characteristic incident of the debate, as related in D'Ewes's manuscript, should not be omitted. One of Hyde's party, Mr. Francis Newport, the member for Shrewsbury, "during our debate offered to go out of "the house, and there was great cry, 'Shut the door! "'Shut the door!' and yet he would go away. The "Serjeant not being in the house, Mr. Rushworth, the "clerk's assistant, was sent after him; who called him "back. He being come into the house, the Speaker "declared to him that when the sense of the House was "that the door should be shut, no member ought to go "out. Mr. Newport said he knew of no order that had "been made to that end: but Mr. Pym showed, that, "besides the general sense of the House, expressed by so "many calling out to have the door shut, the greatness "and weight of the agitation might persuade any man to "forbear going out."

The next morning, Saturday the 11th of December, the under-sheriff and Westminster justices appeared, and, having been duly examined and reprimanded, and the under-sheriff having been committed to the Tower, there shortly afterwards arrived at the house the Petition upon whose presentation the King had been so eager to impose that check of armed men. The intention of its originators had been to disabuse his Majesty of the fatal notion which seems to have been suddenly engendered in him by his recent grand entertainment in the city, and by the eager royalist tendencies of the Lord Mayor, that there was any real defection from the popular cause in that its most powerful stronghold;[1] and so eagerly had it been signed

"sent of this House, is a breach of "the privilege of the House: And "that therefore such guards ought to "be discharged. Resolved upon the "question, That this Guard shall be "immediately discharged by the com- "mand of this House."

[1] Lord Macaulay has admirably

by all classes with this view, that, up to that date in the world's history, no petition of equal size and dimensions had yet been seen. One of the members for London, Alderman Pennington, who afterwards sat as one of the King's judges, announced its arrival. He said that divers able and grave citizens were waiting without, to present the House with that formidable petition of which they had been told that ten thousand persons were coming to present it; but a small number only had come with it, and in a humble and peaceable manner. To avoid all possibility of commotion or undue excitement in connection with it, it had been brought by twelve leading citizens. Upon this the House laid aside all other business; the Speaker called in the deputation; and Mr. Fouke, a merchant dwelling in Mark-lane, appeared at their head, and presented it as the humble petition of Aldermen, Common Councilmen, Subsidymen, and other inhabitants of the City of London and suburbs thereof. Then, says the precise Sir Simonds D'Ewes, "the Clerk of the house "did thereupon go down to the bar, and received it of him,

described (Essays, ii. 213) what the city then was. "The city of London "was indeed the fastness of public "liberty, and was, in those times, a "place of at least as much import-"ance as Paris during the French "Revolution.....It was then closely "inhabited by three hundred thou-"sand persons, to whom it was not "merely a place of business, but a "place of constant residence. This "great capital had as complete a civil "and military organization as if it had "been an independent republic. Each "citizen had his company; and the "companies which now seem to exist "only for the sake of epicures and "of antiquaries, were then formid-"able brotherhoods, the members of "which were almost as closely bound "together as the members of a High-"land clan. How strong these arti-"ficial ties were, the numerous and "valuable legacies anciently be-"queathed by citizens to their cor-"porations abundantly prove. The "principal offices were filled by the "most opulent and respectable mer-"chants of the kingdom. The pomp "of the magistracy of the capital was "inferior only to that which sur-"rounded the person of the sovereign. "The Londoners loved their city with "that patriotic love which is found "only in small communities, like "those of ancient Greece, or like "those which arose in Italy during "the middle ages. The numbers, "the intelligence, the wealth of the "citizens, the democratical form of "their local government, and their "vicinity to the Court and the Parlia-"ment, made them one of the most "formidable bodies in the kingdom. "Even as soldiers they were not to "be despised.....At the battle of "Newbury they repelled the fiery "onset of Rupert, and saved the "army of the Parliament from de-"struction."

" and brought it up, and laid it on the table. The said " petition was not very long, but there were some fifteen " thousand names set to it. It was about three-quarters " of a yard in breadth, and twenty-four yards in length." Nor did it seem that even these unusual proportions had quite satisfied its promoters; for the worthy citizen at the head of the Deputation, having liberty to address the House, informed them that they should have got before that day many thousand hands more to it, but that they found many obstructions and much opposition from the Lord Mayor, *and others*. And such, said Mr. Fouke, in conclusion, was the feeling excited by these difficulties interposed, that it was God's mercy the petitioners had not come in numbers yesterday, when the Halberdiers were assembled, and when there must have been blood-shed. To which Mr. Speaker replied with gracious words, telling the citizens of London, through the worthy gentlemen then standing at their bar, that the House gave them thanks for their readiness on all occasions to comply with supplies for the public; that they would take into consideration, in due time, the particulars desired in the petition; and that they hoped to bring things to such result as would give them satisfaction.

When the Deputation left, a debate arose as to the necessity for immediate provision of the supplies which had been voted for Ireland, and as to the best mode of providing such satisfaction for the people as had just been promised to the London petitioners: and again the debate pointed in the old direction, which was that of printing, and circulating through the country, their Grand Remonstrance. The course taken by the King's advisers, indeed, had so far gone in the same direction, that even some royal partizans among the members had been constrained to admit the unlawfulness of the recent attempt to put external pressure on the Houses by means of armed watches and guards. The result of the present deliberation, therefore, appears to have been a kind of silent or unopposed understanding, that the printing of the

Remonstrance should be considered as soon as the bill then depending for the pressing of soldiers to serve against the Irish Rebellion should have been disposed of.

But again the ill-advised monarch precipitated this determination. The bill for raising such soldiers by Impressment was under debate on the morning of Tuesday the 14th of December, when a message was unexpectedly brought in, to the effect that his Majesty desired the Commons to attend him in the Lords' house. There, in brief intemperate phrase, he adverted to the Impressment bill which they were then discussing; warned them that, in the event of its passing, he should give his consent to it only with an express saving of his prerogative; and significantly added, that he was little beholding to "him "whoever at this time began this dispute." The Commons immediately returned to their house; voted it, upon the motion of Pym, a breach of all the ancient privileges both of Lords and Commons that his Majesty should so have taken notice of a bill whilst in progress; demanded a conference with the Lords; and, before the day closed, had obtained their full co-operation in drawing up "a declaratory Protestation" of their privileges and liberties, and "a petitionary Remonstrance"[1] against his Majesty's violation of them. Eighteen of the Lords, and double the number of the Commons, went with this Protestation to Whitehall.[2]

[1] The petitionary Remonstrance further requires that "his Majesty "will be pleased to discover the par- "ties by whose information and evil "counsel his Majesty was induced to "this breach of privilege, that so "they may receive condign punish- "ment for the same." In the face of which, Clarendon nevertheless hazards the statement in his *History* (ii. 70-1) that the man who had advised this breach of privilege, was, of all men in the world, Mr. Solicitor St. John! As if, supposing this were so, the King, who hated no one so much, would not thereon have been eager to give him up as his adviser in so direct an attack upon his own party! From the account of the matter I find in D'Ewes's Journal I am convinced, on the other hand, that the persons suspected were Culpeper and Hyde, and that the clause requiring the King to surrender the names of his ill advisers was directed specially at them. D'Ewes would have had the clause rejected, on the ground that it was "very possible that his Majesty re- "ceived his information and ill coun- "sel from some third person and from "no member of either house," but Pym strongly opposed this and the clause was retained.

[2] D'Ewes attended, as one of the

On the following morning, Wednesday the 15th of December, an unusual number of members were in attendance at an early hour in the House of Commons, and a suppressed excitement showed itself, as of some

Deputation of the Commons, both on the occasion of the presenting of the Protestation, and on that of receiving the King's Answer, and his notices of both are highly curious and interesting. I quote from his manuscript Journal. "I departed with divers "others to the Court at Whitehall, "being one of the select committee of "thirty-six appointed by the House "of Commons to attend his Ma-"jesty there this afternoon at two "o'clock with a select committee of "eighteen of the Lords' House with "that petitionary Remonstrance. The "eighteen Lords were at Whitehall "before us, and having staid awhile "in the Privy Chamber, the Earl of "Essex, Lord Chamberlain of his "Majesty's household, came out to "us and told us that the King ex-"pected our coming to him. Where-"upon divers of the Lords and we of the "House of Commons followed him in "through two or three rooms, into a "fair inward chamber where the King "was. Dr. Williams, Archbishop of "York, was appointed to read the "said Petition or Remonstrance. He, "passing from the lower end of the "room towards the King, made three "reverences, as most of us also did "with him; and then he, coming "near the King, kneeled down, and "showed his Majesty that he had a "Petition or Remonstrance from both "Houses to be presented to him. The "King then caused him to stand up, "and so he read the said Petition. "I stood all the while close to him "on his left hand. After he had "read it, he kneeled again, and pre-"sented it to his Majesty, being fairly "engrossed in parchment. The King "spake so low as I could not hear "him; but the Archbishop of York "told me after we were come out "'that he would take some time to "'advise,' &c. And so, making like "reverence at our going out as we "did at our coming in, we departed." In like manner he describes the more striking scene of receiving the King's Answer. Between the two occasions, the reader will remember, the Commons had not only voted the printing of their Grand Remonstrance, but had issued it in print; a circumstance which may account for the increased sharpness of the King's manner. "Went to Whitehall," says D'Ewes, "to receive the King's Answer. We "were admitted into the same room "again (being a fair chamber within "the privy gallery) where we had de-"livered the said Petition. The King, "looking about, asked to whom he "should deliver his Answer; because "he saw not the Lord there from "whom he had received our Petition. "But it was answered his Majesty "that he, being to preach before the "Lords at the Fast on Wednesday "next, was now absent on that occa-"sion. His Majesty demanded fur-"ther to what other Lord in his ab-"sence it was to be delivered? It "was answered, to the chief of the "Lords who were present. His Ma-"jesty then calling to Sir Edward "Nicholas, lately made Secretary of "State, delivered to him his Answer "written on a sheet of paper, which "the said Sir Edward received kneel-"ing, and then, standing up again, "read it, and His Majesty, after the "delivery of it to the said Earl (Bris-"tol), just as we were all making "reverences and departing forth, "passed through the midst of us with "a confident and severe look, and so "went into the privy gallery, where "he stood looking towards us, as we "came forth and made our obeisances "to him."

undertaking of weight in hand as yet not generally known. Then Mr. Purefoy, the member for Warwick, who afterwards sat upon the trial of the King, stood up and said, that they did now stand sorely in need of money, and he conceived that any proposition for the bringing in of money would be very seasonable and acceptable. "Where-" upon," says D'Ewes, "there ensued a great silence." Mr. Purefoy then proceeded, and said, he conceived that there was but one mode of obtaining what they desired in this respect, and that was by imparting to their constituents and the people generally some ground for greater confidence than they could derive from recent and existing events. He pointed out that all men's minds were unsettled by the many slanders which had freely gone abroad, and that if, as a worthy member had said on a former occasion, it was desirable to recover and bind to that house the hearts of the people, now was the time and the opportunity. In a word, he conceived there were no readier means to bring in money than to cause their Declaration to be printed: that so they might satisfy the whole kingdom. At this there were loud cries of agreement, but upon several even of the majority the proposal fell with a surprise; and D'Ewes was one of them. "It "seems," he says, "that many members were privy to "this intended motion, which I confess seemed very "strange to me; for they cried *Order it! Order it!*" Then the Speaker rose, and, as if to show that he at any rate had been no party to the preparing of the motion, asked the member who had spoken, what Declaration he meant, for (alluding to the declaration as to breach of privilege voted the preceding day) there were two. This called up Mr. Purefoy again, who said he meant the Declaration which had been presented to the King, the great Remonstrance; and he was seconded by Mr. Peard, who had first moved the printing on the memorable night of the 22d November, and who now moved that the Petition accompanying it might also be printed: to which loud cries again responded of *Order it! Order it!*

Edmund Waller next took the lead in a desperate attempt to protract and delay the vote, which in so much was successful that it lasted far into the afternoon, but of which small record unfortunately remains, for in the midst of it D'Ewes, apparently in some dudgeon at the want of confidence in him displayed by the leaders, left the house for some time. Then, the putting of the Resolution having been fought off until daylight began to decline, the coming on of dark was made the excuse for a further attempt to prevent its being put at all. So dark it became, that the Clerk could no longer see to read; but on a proposal for bringing in candles, Sir Nicholas Slanning, the member for Penryn, made urgent representation of the propriety of adjourning the debate, reminded the House of the scene which had been witnessed when this question was before discussed in the night, and threw out warnings of some similar danger now. Against any possible recurrence of that danger, the majority was on this occasion thoroughly guarded; but if it had not been so, few were better entitled than Slanning to give the warning. Himself one of those who early and eagerly exposed and lost their lives in the war, he was also ever at the head of the young and ardent spirits of the House of Commons, with whom it was matter of chivalry to resent every encroachment on the power and pretensions of the sovereign; and Clarendon (in one of those charming character-pieces of his History which will survive to keep it still the most delightful reading in the world, long after the conviction of its untrustworthiness and bad faith shall have entered into every mind) has celebrated his youth, his small but handsome person, his lovely countenance, his admirable parts, and his courage "so clear and keen."[1] He failed for the present, however,

[1] See *History*, iv. 150, and 612-13. Slanning was one of the little men, "and it was an age," says Clarendon, "in which there were many "great and wonderful men of that "size" (*Life*, i. 62), among the men of learning as well as of action. One of the least men in the kingdom he celebrates as one of the greatest scholars of Europe, in the person of the

to turn the House from their purpose, though not till he had forced on a division.

D'Ewes returned to his seat just as they were about to divide on the question for candles, and by the very sound, he says, the Ayes declared themselves to be far more than the Noes; but the Noes persisted in dividing, and, "sitting "still" in the house with Sir Robert Hatton and Mr. John Russel (who had succeeded Lord William on the old Earl's

ever to be remembered Mr. Hales of Eton—"who would often say that he "would renounce the religion of the "Church of England to-morrow, if it "obliged him to believe that any "other Christians should be damned; "and that nobody would conclude "another man to be damned, who did "not wish him so;—than whom no "man was more strict and severe to "himself, yet to other men so chari-"table as to their opinions, that he "thought that men not erring were "more in fault for their carriage to-"wards men who erred, than the men "themselves were;—and who thought "that pride and passion, more than "conscience, were the cause of all sepa-"ration from each other's communion; "and frequently said, that that only "kept the world from agreeing upon "such a liturgy as might then bring "them into one communion" (*Life*, i. 60-1). Chillingworth was another of the very little men. Sidney Godolphin, also belonging to the same diminutive class, amazed the tall and well-formed Mr. Hyde by presenting so large an understanding and so unrestrained a fancy in so very small a body as he possessed—the smallest indeed, as it would seem, of all, for Falkland used merrily to say that he thought what charmed him most to be so much in Godolphin's company was the sense of finding himself there "the properer "man." But the prince of all the little men was Falkland himself. Observe with what exquisite art Clarendon puts forward his disadvantages of person simply to make more lovable the attractions of his mind. "His "stature was low, and smaller than "most men; his motion not graceful; "and his aspect so far from inviting, "that it had somewhat in it of sim-"plicity; and his voice the worst of "the three, and so untuned, that in-"stead of reconciling, it offended the "ear, so that nobody would have ex-"pected music from that tongue: and "sure no man was less beholden to "nature for its recommendation into "the world. But then no man sooner "or more disappointed this general "and customary prejudice. That "little person and small stature was "quickly found to contain a great "heart, a courage so keen, and a "nature so fearless, that no com-"position of the strongest limbs, and "most harmonious and proportioned "presence and strength, ever more "disposed any man to the greatest "enterprise, it being his greatest "weakness to be too solicitous for "such adventures; and that untuned "tongue and voice easily discovered "itself to be supplied and governed "by a mind and understanding so "excellent, that the wit and weight "of all he said carried another kind "of lustre and admiration in it, and "even another kind of acceptation "from the persons present, than any "ornament of delivery could reason-"ably promise itself, or is usually "attended with; and his disposition "and nature was so gentle and oblig-"ing, so much delighted in courtesy, "kindness and generosity, that all "mankind could not but admire and "love him."

death as Pym's colleague in the representation of Tavistock) for tellers, proved to be only 53 in number, whereas the Ayes who went out, with Denzil Holles and Sir John Clotworthy as tellers, were 152. Upon this, candles were brought; and again the debate went on not less warmly than before. For more than two hours longer, says D'Ewes, it was argued with great vehemence pro and con, until at last the question was put for the printing. Then went forth the Yeas, in number 135, with Denzil Holles and Sir Walter Earle for tellers; the tellers for the Noes, who stayed in the house, being Sir John Culpeper and Mr. John Ashburnham, the member for Hastings, and their numbers 83. Amid considerable excitement, the order was then given for immediate printing of the Remonstrance concerning the state of the kingdom; the Grand Remonstrance, as it came to be thereafter called, to distinguish it from the many other similar state papers of less importance and less interest for the people, which were issued during the war. Even now, however, it required all the temper and control of the leaders to avoid a mutiny. The claim to protest was, at this point, once more revived; and Sir Nicholas Slanning, heading the protesters, did his best to bring his own warning true. Some sixty members having joined him, they formally demanded that their protestation might be entered by order of the House; but the growing excitement was happily allayed by the art with which Pym, in appearing to yield to that proposal, in reality yielded nothing. The demand was turned into an order for an adjournment "to take into consideration the matter "touching protestations in this house;" and the following Friday having been fixed for the purpose of such consideration, the House rose at seven o'clock.

So closed the last debate on the Grand Remonstrance, which then found its way, after a succession of scenes and struggles as worthy of remembrance, though not until now remembered, as any in our history, to the audience for whom it was designed. Neither Hampden nor Pym spoke further, when the day for discussion of the right of

protesting came.[1] They left it to the King's ex-secretary, old Sir Henry Vane, to point out how irreconcileable any such right would be with the precedents, the usages, and the proceedings of the Commons' house. They listened without replying to a long speech from Hyde, who, admitting there was no precedent for the claim, yet urged that neither was there a precedent for the printing of a Declaration, and that, a precedent in a case unprecedented being nothing to the purpose, they must act according to reason. They listened, still unmoved, to the significant allusion of Mr. Holborne, who, putting the case of an order having passed the House which might carry grave consequences, enlarged upon the hard position of those who, having no right to protest, would be involved in such consequences, "and perhaps lose their heads in "the crowd when there was nothing to show who was "innocent." Their part in the affair was done, their weapon thrown, and none of those contingent or possible events had any alarms for them. They called upon the Speaker to put the resolution that in no circumstances should a protestation be desired in that house, or admitted if desired; and they voted and carried it.

Upon the consequences hinted at by Holborne, upon the blow which so soon was levelled at the heads of the five leading men in these debates, and which had so fatal a recoil upon the King, it is no part of the design of this Essay to dwell. Its object was to restore a page of the English history of some importance, which time had been permitted to efface; and this has been accomplished. It is for the reader to apply its details to their further use in illustration of already existing records, and determination of their value. It would lead the writer too far from the design to which he has purposely restricted him-

[1] The Friday originally fixed was changed to the following Monday, when the three principal speakers were Hyde, Holborne, and Vane, and it was finally "resolved upon the question, "That in no case a Protestation ought "to be desired by any member of this "house, or admitted by this house, "being desired."

self, to attempt in this place any such application. Every one may do it, within the range of his acquaintance with the general history of the time; and to help to extend this range for all, some pains have been taken to render the notes appended to the Essay both a guide to research out of the common track of histories, and a warning against too ready or implicit belief in the most respected authorities. It is not desirable, even if it were possible, that Clarendon's *History of the Rebellion* should be deposed from the place it holds in our literature. Its rare beauties of thought and charm of style, the profound views of character and life which it clothes in language of unsurpassed variety and richness, its long line of noble and deathless portraits through which its readers move as through a gallery of full-lengths by Vandyke and Velasquez, have given and will assure to it its place as long as literature remains. But, for the purpose to which it has mainly been applied by many party writers since Clarendon's death, as well as by writers not prejudiced or partial, it should never have been used. The authority of its writer is at no time so worthless as when taken upon matters in which he played himself the most prominent part; and his imputations against the men with whom he was once leagued as closely as he was afterwards bitterly opposed to them, are never to be safely relied upon. With the very facts he laboured to misrepresent, he has been here confronted; and with the antagonists to whom he stood actually opposed upon the floor of the House of Commons, he has been again brought face to face. The Grand Remonstrance has itself been heard after long and unmerited oblivion, and Sir Simonds D'Ewes has spoken to us after a silence of more than two centuries. The result is decisive against Clarendon. It is not merely that he turned King's evidence against his old associates, but that his evidence is completely disproved.

An opinion has been expressed in the course of this Essay upon the importance of the Grand Remonstrance

merely as a contribution to history, and upon the improbability of its being again displaced from the position here assigned to it. Certainly it is impossible that any one should speak of it hereafter as it has been described heretofore. In Mr. Disraeli's Commentaries on Charles the First's Reign, for example, a book which after his death was with final and scrupulous correction republished by his son, it is characterised as an historical memoir of all the infelicities of the reign, "*with a very cautious omis-* "*sion* that all those capital grievances had no longer "any existence." That such an assertion should be hazarded again is at least not conceivable. Amid much, too, that in the same book is as gravely passed off for truth, the Remonstrance is said to have been smuggled through the House of Commons by a trick. Its authors, we are informed, "assured the moderate men that its "intention was purely prudential; it was to mortify the "Court, and nothing more; after having been read, it "would remain in the hands of the Clerk, and never after-"wards be called for; and so, when it was brought for-"ward, to give it the appearance of a matter of little "moment, the morning was suffered to elapse on ordinary "business, and it was produced lete; but they overshot "their mark,"[1] &c. &c. with much more to the same incredible purport! Surely not again can Clarendon lead his followers into such a quicksand of "history" as that; nor, with the Remonstrance itself in evidence, can the signal misrepresentation he left of its contents, and of the conduct and objects of its authors, be in future accepted against his own frequent and unconscious testimony to its deep and ineradicable impression upon the mass of the English people.

That, after all, is its final and lasting vindication. It had become a necessity so to make appeal to the people. It may be true, or it may be false, that Cromwell would

[1] Commentaries on the Reign of Charles I. By Isaac D'Israeli. Ed. 1851, ii. 294.

have sold all he had the next morning if the Remonstrance had been rejected, and would never have seen England more: but that Falkland heard him say so would seem to be undoubted, and the fact is a singular proof of the gravity of the conjuncture which had arisen. Measured also by the effects produced, the same conclusion is forced upon us; though in the presence of the document itself, these may well appear less surprising. To do Clarendon justice, he never affects to conceal the momentous influence exerted by the Remonstrance over the subsequent course of affairs. He puts it in his own language indeed; but when he refers to "that dreadful," "that fatal" Remonstrance, when he speaks of it as having "poisoned the "heart of the people," when he recurs to it as "the first "inlet to the inundations that overwhelmed" his party, when again and again he dwells upon it as "the first visible "ground and foundation of that rage and madness in the "people of which they could never since be cured," no gloss or comment is needed for such expressions. They are so many tributes to the vigour and capacity of his opponents, and to the largeness and wisdom of the outlook they had taken when they launched this Great Remonstrance. Parliament had no such recruiting-sergeant through the after years of civil war. It might have fallen, indeed, comparatively without effect, if Charles I had been able at any time to accept honestly the consequences of his own acts; but its authors knew that this was not in his nature, and if we would condemn in that respect their policy, we must have satisfied ourselves, that, with a man so essentially and deliberately false as the King was to all the engagements made with him, it was in any manner possible, without direct appeal to the people as a part of the State, to bring about a lasting adjustment of right relations between the Commons and the Crown. The Remonstrance constituted that appeal; and not the least of the claims which in my judgment it possesses to the attention and respect of all students of history, is the proof which it affords that English puritanism had in itself no

necessary antagonism to English institutions and government. The ancient limited monarchy, and a reformed church establishment, would have satisfied its authors. They were devout religious men, who claimed free exercise for their religion; but inseparable from the Protestant Reformation, and its overthrow of Roman Catholic bondage, to whose immediate inspiration they owed their greatness, was the passion for civil freedom no less than for religious liberty. The writers who would separate the religious from the political movement in the seventeenth century, and so strive to underrate the earnestness of the effort it included for political as well as religious emancipation, have their answer in the Grand Remonstrance. Liberty of conscience and of worship has its leading place therein, but only as the very basis and condition of such other claims, constituting civil government, as the right not to be taxed without consent, the right to enjoyment of what is lawfully possessed, the right to petition, the right to choose representatives, the right of those representatives to freedom of debate, the right to pure administration of justice, the right to individual freedom under protection of the laws.

Of the men by whom these great rights were so asserted in the old English house of legislature, and to whose exertions and sacrifices in the Long Parliament, their ultimate though less complete acceptance by the Convention Parliament is due, perhaps a nearer view is afforded in this Essay than hitherto has been attainable in any printed record. It might indeed have been too near if the men had been less great. But they do not suffer by that closer inspection. Their greatness, too, is assumed so easily and so naturally exerted, as to raise no feeling of surprise but that in an age which produced them such a tyranny should have been possible. To find in the party struggles of two hundred years ago a full and perfect anticipation of parliamentary conflicts of more modern days, may probably surprise not a few; but still more startling is it to reflect that during the whole

fifteen years described in the Grand Remonstrance, while England lay gagged, imprisoned, mutilated, and plundered, under the most vexatious and intolerable tyranny that ever tortured body and soul at once, she yet contained these men. But they had profoundly studied her history; and they had an immovable faith that her civil constitution, outraged as it was, yet held within itself the sufficing means of recovery and retribution. Nor, happily for us, did they quite lose this patient belief, until the sword was actually drawn; and hence it was that all the old laws and usages of the land, all the old ways and precedents of parliament, all the ancient traditions of the rights of the three estates, successively drawn forth from their resting-place in records, charters, old books, and parchment rolls, were appealed to on either side, were claimed by both sides, were tried, tested, and made familiar to all, in such debates and conflicts in the House of Commons as these pages have described. It was for later generations to enjoy what thus was toiled for so gallantly, and only with infinite suffering, and terrible drawbacks, won at last. But the Leaders of the Long Parliament have had their reward in the remembrance and gratitude of their descendants; and it will bode ill to the free institutions of England when honour ceases to be paid to the men whom Bishop Warburton truly characterised as the band of greatest geniuses for government that the world ever saw leagued together in one common cause.

THE PLANTAGENETS AND THE TUDORS.

A SKETCH OF CONSTITUTIONAL HISTORY.

ONE of the noblest images in the writings of Burke, is that in which he says of the spirit of English Freedom that, always acting as if in the presence of canonised forefathers, it carries an imposing and majestic aspect. "It "has a pedigree and illustrating ancestors. It has its "bearings and its ensigns armorial. It has its gallery "of portraits, its monumental inscriptions, its records, "evidences, and titles." For collecting and producing them, Selden was thrice imprisoned by James I and his son; and the part which they played in that struggle with the Stuarts, was but the revival, in more powerful form, of an influence they had exerted over the Plantagenets and the Tudors. As in later, so it had been in the earlier time. The Petition of Right, enacted in Charles I's reign, was but the affirmation and re-enactment of the precedents of three preceding centuries; and in the reign of John, when the Barons were in treaty for the Great Charter, Langton put forward, as the basis and title of their claims, a charter of a hundred years' earlier date.

That was the enactment of the first year of Henry Beauclerc, the first of the name, and the third of our Norman kings. It was supposed to be the only copy then in existence; so assiduous Henry's officers had been, in the more secure years of his reign, to destroy the evidence of his recognition of popular rights at the outset

of his usurpation. But he could not depress the people for his pleasure, when already he had raised them for his gain. They are edged tools, these popular compacts and concessions; and not so safe to play the game of dissimulation with, as a friendly nod or greeting to the friend you purpose to betray. "Does he smile and "speak well of me?" said one of the chief justiciaries of this King. "Then I am undone. I never knew him "praise a man whom he did not intend to ruin." It was truly said, as the speaker soon had occasion to know; but it is more difficult so to deal with a people. A charter of relief from onerous and unreasonable burdens, once granted, is never more to be resumed as a mere waste piece of parchment. The provisions of which men have lost the memory, and are thought to have lost the record, reappear at the time of vital need; and the prince into whose violent keeping a people's liberties have fallen, is made subject to a sharp responsibility. For the most part, unhappily, history is read as imperfectly as it is written. Beneath the surface to which the obscurity of imperfect records too commonly and contentedly restricts us, there lies material to be yet brought to light, less by laborious research than by patient thought and careful induction. Conceding to the early chroniclers their particular cases of oppression, subjection, and acquiescence, let us well assure ourselves that these will not prevail for any length of time against an entire and numerous people. If ever rulers might have hoped to measure their immunities and rights by the temper and strength of their swords, it should have been these early Norman princes; yet at every turn in their story, at every slight casualty in their chequered fortunes, they owe their safety to the fact of flinging down their spoil. A something which, under various names, represents the People, is still upon their track; and thus, over our rudest history, there lies at least the shadow of that substance which fills our later and nobler annals.

Contemporaneous with Henry's charter were the first

great victories of the Crusades, which led to the sacrifice of many millions of lives, and had the effect not only greatly to increase the temporal power and ecclesiastical domination of the Popedom, but to begin the terrible story of religious wars. Yet they had also good results, to which the existing condition of the world gave a preponderating influence. What there was of merit in the feudal institutions had here taken a higher and more spiritual character, largely abating their ferocity and somewhat lessening their injustice. The union of different countries in a common object had a tendency to dissipate many narrow hindrances to a common civilisation; and the intercourse of eastern and western nations by degrees introduced into religion, as well as into government, larger and more humane views. The pecuniary obligations, too, incurred by the feudal chiefs, led to a wider circulation of money, and made further gradual but sure encroachment on the stricter domains of feudalism. Finally, we owe it mainly to the Crusades, that the enrichment of the ports of Italy, by such sudden avenues to trade, became an important element in the advance to a higher and more refined system of society; and that, scattered through the wandering paths of Troubadour or Dominican, the seeds of eloquence and song sprang up in later days, and in many countries, into harvests of national literature.

Some of these advantages began to be felt even so early as under the first and greatest of the Plantagenet kings. It was in Henry II's reign that personal services of the feudal vassals were exchanged for pecuniary aids; that, by the issue of a new coinage of standard weight and purity, confidence was given to towns and cities, then struggling into importance by the help of charters and fiscal exemptions; that the most oppressive baronial tyrannies received a check from the Crown; and that settled guarantees for internal tranquillity were given by a more orderly, equal, and certain administration of the laws. Yet even such services to civilisation yield in importance to that which was rendered by this great

prince in resisting the usurpations of the Church. His dispute with his Primate involved essentially little less than the ultimate question of the entire arrangement of human society. Not seventy years had passed since the voice of Hildebrand had declared the papal throne to be but the temporal emblem of a universal spiritual authority, holding absolute feudal jurisdiction over the lesser authority of kings and nobles; and Becket stood upon the claim so put forth by Hildebrand. Like him he would have made a theocracy of human government, and placed the Church at its head, unquestioned and supreme. He would have drawn together the whole of Christian Europe under one sole Suzerain authority, and, through all the wide and various extent of civilised nations, would have made the spiritual tyranny of Rome the centre and metropolis of dominion. To Henry Plantagenet, on the other hand, it seemed that any such centralisation of ecclesiastical power would be fatal to the peace, the happiness, and the liberty of the world. He had laboured hard, with his Chancellor Becket, to reduce all autocracies and tyrannies within his kingdom; and against his Primate Becket, he now resolutely declared that this work should still go on. Not necessarily was the question implied, whether spiritual interests were, or were not, of higher importance than temporal interests; any more than whether a firm belief in Christianity should involve a total subjection of the understanding, of the heart and the will, of the active and the intellectual powers, to ecclesiastical domination. Not so, happily for the people whom he governed, was this resolute prince disposed to renounce his social and civil duties. In events that arose as the contest went on, he was rude, passionate, and overbearing; and perhaps much of the work he was called to do, by more delicate ways could hardly have been done; but, though what he had nobly gained was thus at times in danger of being ignobly lost, there seldom fails to be visible, throughout all the reckless impulses of that really majestic though ill-regulated nature, a strong comprehension of the vital truth

which was afterwards wrought out with such breadth and potency in England. And on the whole it was certainly well that his triumph should not have been on all points complete. Notwithstanding the spiritual despotism which the Church would fain have established, we cannot forget what the Church in those rude times represented and embodied; and for the utter discomfiture and overthrow of which, any absolute supremacy of the State and the sword would have been but a poor compensation. What it was well that the King should retain, he did not lose; and, though neither did Becket entirely forfeit what his arrogance too rashly put in peril, substantially the victory remained with Henry. Asserting the necessary rights of temporal princes, and upholding the independent vigour of civil government, he defended and maintained, in effect, religious liberty and equal laws; and happily the soil was not unprepared to receive that wholesome seed, even so early as the reign of the first Plantagenet.

The reign of the second of that family supplies to our constitutional historian, in the sentence passed on the Chancellor of the absent King by the convention of barons, the earliest authority on record for the responsibility of Ministers to Parliament. The incident, however, important as it is, seems rather to take its place with others in the same reign, which mark the springing up of a new condition of relations between the baronage and the throne. In the obstinate absence of Cœur-de-Lion on his hair-brained enterprizes, the inaptitude and imbecility of his brother had thrown all the real duties of government into the hands of a council of barons; these again were opposed by men of their own class, as well for self-interest, as on general and independent grounds; and the result of a series of quarrels thus conducted between equals, as it were, in station, between forces to a great degree independent of each other—the Crown striving to maintain itself on the one hand, but no longer with the prestige of power it had received from the stronger kings; the Aristocracy advancing claims on the

other, no longer overborne or overawed by the present pressure of the throne—led to what, in modern phrase, might be called a system of unscrupulous party struggle, in which royalty lost the exclusive position it had been the great aim of the Conqueror's family to secure to it, and became an unguarded object of attack, thereafter, to whatever hostile confederacy might be formed against it.

What there was of evil as well as of good in the contest became strongly manifest in the two succeeding reigns.

In the strict order of hereditary succession the crown, which on Richard's death was conferred on John, would have fallen to Arthur, the orphan of John's elder brother. But though the subsequent misfortunes and sorrowful death of this young prince largely excited sympathy in England, there was never any formidable stand attempted, here, on the ground of his right to the throne. The battle was fought in the foreign provinces. In England, while some might have thought his hereditary claim superior to his uncle's, there was hardly a man of influence who would at this period have drawn the sword for him, on any such principle as that the crown of England was heritable property. The genius of the country had been repugnant to any such notion. The Anglo-Saxon sovereignty was elective; that people never sanctioning a custom by which the then personal and most arduous duties of sovereignty, both in peace and war, might pass of right to an infant or imbecile prince; and to the strength of this feeling in the country of their conquest, the Normans heretofore had been obliged to defer. At each successive coronation following the defeat of Harold, including that of the Conqueror, the form of deferring to the people's choice had been religiously adhered to; nay, of the five Norman kings on whom the English crown had now descended, four had been constrained to rest their strongest title on that popular choice or recognition: but its most decisive confirmation was reserved for the coronation of John. Till after the ceremony, his right

was in no particular admitted. He was earl, until he assumed the ducal coronet; and he was duke, until the Great Council, speaking through the primate, invested him at Westminster with the English crown, accompanying it with the emphatic declaration that it was the nation's gift, and not the property of any particular person. Speed, with his patient industry and narrow vision, calls this latter condition, "a second seed-plot of treasons;" but for the most part it has happened, throughout our English history, that treasons have been the second seed-plot of liberty. Other historical critics imagine John's coronation to have been a mere arrangement of conditional *fealty* specially restricted to him; *the* sole temptation to elect him, in preference to his nephew, being the consideration that less was to be looked for in the way of civil restitution from a legitimate monarch, than from one who held by elective tenure. But these reasoners overlook, not only the fact that the law of succession as between a living brother and a dead brother's child was by no means settled at this time, but that, as has just been pointed out, the choice of a monarch on grounds exclusively hereditary would have been the exception, and not the rule. If anything beyond the objection to entrusting sovereignty to a child and a woman, induced the preference of John, it very probably was some anticipation of a possible and not distant struggle between the throne and its feudal dependencies, and the sense of how much the latter would be strengthened by an incompetent and feeble King. For, how stood the government of England, when placed in John's keeping?

The balance of power between the various grades of feudal society, as in a great degree established by the discreet and powerful policy of Henry II, had been wholly relaxed and unsettled by the lawless administration in Cœur-de-Lion's absence. The powers which Henry centred in the throne for good purposes, were prostituted to evil by his son. The weakness which an

able king, for wise and prudent purposes, had sought to introduce into the aristocratic element of the kingdom, had since been used for the suppression of all restraint upon monarchical tyranny. If such a sovereign as Henry could have continued to reign, until a forced repression of the baronial feuds might have permitted a gradual and free reaction of the popular on the kingly power, the establishment of rational liberty would have been hastened by at least two centuries. Even as it was, there stood the people between the two opposing forces; alternately recognised in the necessities of each, and by both made conscious of their power. In the Church questions, and that of resistance to invasion, which arose in the earlier portion of the reign, they took part with John; in the questions of civil freedom which immortalised its close, they joined the grand confederacy of his enemies. Of the character of this prince it is needless to speak. It belongs to the few in history or in human nature of which the infamy is altogether black and unredeemed. The qualities which degraded his youth grew with his years; combined with them, he had just enough of the ambition of his race to bring forth more strongly the pusillanimity of his spirit; and thus he was insolent and mean, at once the most abject and the most arrogant of men. The pitiless cruelties recorded of him surpass belief; and the reckless madness with which he rushed into his quarrels, was only exceeded by his impotent cowardice when resistance showed its front. He deserted the people when the people joined him against the Church, he deserted the Church when the Church joined him against the people. Yet what resulted from the very vice and falsehood of so despicable a nature was in itself the reverse of evil. A man more able, though with an equal love of tyranny, would have husbanded, and kept, his power; this man could only feel that he existed when he knew that he was trampling on his fellow-men, and, making his power intolerable, he risked and lost it. The conclusion which would infer that with the barons,

and not with the people, the substantial benefit remained, is far too hastily formed. What in its beginning was the claim of one powerful faction in the realm as against its feudal lord, became in the end a demand for rights to be guaranteed to the general community. It was but a month before the gathering at Runnymede that an unavailing attempt was made to detach the greater barons from the national confederacy, by offering to themselves and their immediate followers what the Great Charter was to secure to every freeman.

I have shown that party spirit had now arisen in England. From it have sprung scenes and compromises often neither just nor honourable; but with it have been associated, in very memorable periods of history, the liberties and political advances of the English people. The determined wish of a large section of the nobles to degrade the position and humble the pride of their Sovereign, became obvious at the outset of John's reign. When he began his continental wars, he was master of the whole French coast, from the borders of Flanders to the foot of the Pyrenees; when three years had passed, the best portion of that territory was irrevocably lost to him, and, after a separation of three hundred years, Normandy, Anjou, Maine, and Touraine, were reannexed to the French crown. Nor were any of his complaints so loud and bitter, during the progress of these events, as that which was implied in his reproach that the English nobles had forsaken him. They certainly saw pass into subjection to France those large and opulent provinces so long won and guarded by the swords of their fathers, and they made no sign of resistance. But this had also a deeper significance than mere disgust with John. They had elected their country. They were no longer foreign proprietors, on a soil which was not their own; they were Englishmen, resolved to cast their fortunes and their fate with England. Soon after this, indeed, they raised a counter-cry to that of their recreant King, accusing him of "foreign" favouritism. With the name, opprobrious

now, of foreigner, they branded the Angevin, the Norman, and the Poitevin nobles, whom he had brought into England at the close of his French wars; and whom he now delighted to parade about his person, to load with dignities and wealth, and to encourage in their vigorous efforts to plunder and oppress the native population. Even the French historian of Norman conquest here admits that the conquering lord and the conquered peasant had found a point of contact and a common sympathy. He can no longer resist the conclusion, that in the soil of England there was at length germinating a national spirit, common to all who traversed it. Without doubt it was so. Nor was there a new fine now levied on one of the old domains, or a new toll on one of the old bridges or highways, that did not bring the English baron and lord of the manor nearer in his interests and rights to the English farmer and citizen.

The next step in John's degradation completed the rupture with his barons and carried over the people to their side. From the attempted overthrow of all government, by the surrender of England to the Pope, dates the first sensible advance in our annals to anything like a government under general and equitable forms of law. There is not an English freeman living in this nineteenth century, who may not trace in some degree a portion of the liberty he enjoys to the day when King John did his best to lay his country at the feet of a foreign priest, and make every one of her children as much a slave as himself. From that day the Grand Confederacy against the King took its really formidable, because now unwavering shape; and what was best in England joined and strengthened it. The concentration of its purposes was mainly the work of Stephen de Langton, and forms his claim to eternal memory. Rome never clad in her purple a man of nobler nature, or one who more resolutely, when he left the councils of the Vatican, seemed to have left behind him also whatever might impinge upon his obligations as an Englishman. No name stands upon

our records worthier of national honour. In an unlettered age, he had cultivated with success not alone the highest learning but the accomplishments and graces of literature; and at a time apparently the most unfavourable to the growth of freedom, he impelled existing discontents, which but for him might have wasted in casual conflict, to the establishment of that deep and broad distinction between a free and a despotic monarchy, of which our history, through all the varying fortunes and disasters that awaited it, never afterwards lost the trace. Even while he personally controlled the treacherous violence of the King, he gave steady direction to the still wavering designs of the Barons; and among the securities obtained on the first day of Runnymede for due observance of the instrument which the King was to be called upon to sign, probably none inspired greater confidence than that which consigned for a certain specified time to Langton's custody the Tower and the defences of London. This and other guarantees conceded, the various heads of grievance and proposed means of redress were one by one discussed; and, the document in which they were reduced to legal shape having been formally admitted by the Sovereign, on the fourth day from the opening of the conference, Friday the 19th of June, 1215, there was unrolled, read out aloud, and subscribed by John, the formal instrument which at last embodied, in fifty-seven chapters, the completed demands of the confederacy, and is immortalised in history as the Great Charter.

The Great Charter, it is hardly necessary to say, had nothing to do with the creation of our liberties. Its inexpressible value was, that it corrected, confirmed, and re-established ancient and indisputable, though continually violated, public rights; that it abolished the worst of the abuses which had crept into existing laws; that it gave an improved tone, by giving a definite and substantial form, to future popular desires and aspirations; that, without attempting to frame a new code, or even to inculcate any grand or general principles of legis-

lation, it did in effect accomplish both, because, in insisting upon the just discharge of special feudal relations, it affirmed a principle of equity which was found generally applicable far beyond them; that it turned into a tangible possession what before was fleeting and undetermined; and that, throughout the centuries which succeeded, it was violated by all our kings and appealed to by every struggling section of our countrymen.

To very many of its provisions no reference needs to be made, beyond the mention that they redressed grievances of the military tenants, hardly intelligible since the downfall of the system of feuds, but then very severely felt. Reliefs were limited to a certain sum, as fixed by ancient precedent; the waste committed, and the unreasonable services exacted, by guardians in chivalry, were restrained; the disparagement in matrimony of female wards was forbidden; and widows were secured from compulsory marriage and other wrongs. Its remedies on these points were extended not to the vassals only, but to the sub-vassals of the Crown. At the same time the franchises, the ancient liberties and free customs, of the City of London, and of all towns and boroughs, were declared to be inviolable. Freedom of commerce was also guaranteed to foreign merchants, with a proviso to the King to arrest them for security in time of war, and keep them until the treatment of our own merchants in the enemy's country should be known. The tyranny exercised in connection with the Royal Forests was effectively controlled; and a remedy was applied to that double grievance of expense and delay, long bitterly felt, to which private individuals were subjected when prosecuting suits in the King's court, by the necessity of following the King in his perpetual progresses. "Common Pleas shall not follow our court," said this memorable provision of Magna Charta, "but shall be "held in some certain place."

As striking a provision had relation to the levy of aids and scutages, and this, which was not in the articles first submitted to the King, appears to have originated during

the four days' conference at Runnymede. The frequency of foreign expeditions had given a very onerous character to these aids; always liable to be farmed out with peculiar circumstances of hardship, and lately become of nearly annual recurrence. But the provision in question now limited the exaction of them to the three acknowledged legal occasions—the King's personal captivity, the knighthood of his eldest son, and the marriage of his eldest daughter; and in case aid or scutage should be required on any other grounds, it rendered necessary the previous consent of the great council of the tenants of the crown. It proceeded to enumerate the constituent parts of this council, as to consist of archbishops, bishops, abbots, earls, and greater barons, who should be summoned personally by writ; and of all other tenants in chief of the crown, who should be summoned generally by the sheriff; and it ordered the issue of summons forty days beforehand, with specification of time and place, and intended subject of discussion. Nor did anything in the Charter, notwithstanding the careful limitation of the article to royal tenants and to purposes of supply, prove so hateful to succeeding princes as this latter stipulation. It was soon formally expunged, and was never formally restored; yet in its place arose silently other and larger privileges, such as no one was found daring enough in later years to violate openly.

Upon many smaller though very salutary provisions which, relating to the better administration of justice, to the stricter regulation of assize, to mitigation of the rights of pre-emption possessed by the Crown, and to the allowance of liberty of travel to every freeman excepting in time of war, took a comparatively narrow and local range, it is not necessary to dwell. I proceed to name those grander provisions which proved applicable to all places and times, and were found to hold within them the germ of our greatest constitutional liberties.

These were the clauses which protected the personal liberty and property of all freemen, by founding accessible securities against arbitrary imprisonment and arbitrary

spoliation. "We will not sell, we will not refuse, we will "not defer, right or justice to any one," was the simple and noble protest against a custom never thenceforward to be practised without secret crime or open shame. In the same great spirit, the thirty-ninth clause, beginning with that rude latinity of *nullus liber homo* which Lord Chatham thought worth all the Classics, stipulated that no freeman should be arrested or imprisoned, or disseised of his land, or outlawed, or destroyed in any manner; nor should the King go upon him, nor send upon him, but by the lawful judgment of his peers, or by the law of the land. And a supplementary clause, not less worthy, provided that earls and barons should be amerced by their peers only, and according to the nature of their offence; that freemen should not be amerced heavily for a small fault, but after the manner of the default, nor above measure for a great transgression; and that such amerciaments—saving always to the freeholder his freehold, to the merchant his merchandise, and to a villein his implements of husbandry—should be imposed by the oath of the good men of the neighbourhood. It was at the same time provided that every liberty and custom which the King had granted to his tenants, as far as concerned him, should be observed by the clergy and laity towards their tenants, as far as concerned them; thus extending the relief generally, as before remarked, to the sub-vassals as well as vassals, but restricting it still to the freeman.

Manifest as were such omissions in the Charter, however, and limited as the bearing seemed to be even of its greatest remedial clauses, these did not avail against its mighty and resistless effect through the succeeding centuries. Its framers might have paused, could they wholly have foreseen or known what it involved; and that under words intended only to be applicable to the relations of feudal power, lay concealed the most extended truths of a just and equitable polity. By the very right they claimed to deny protection to serfs, the bonds of serfdom were for ever broken. By the authority

they assumed of protesting against the power of taxation in a prince, they forfeited the power of taxation in a like case which they believed they had reserved to themselves. They could not assert a principle, and restrict its operation and consequences. They could not insist upon regular meetings of the great council with the purpose of controlling the King, and prevent the ultimate admission into it of forms of popular election which were most effectually to control the Nobility. If required to convey by a single phrase the truth embodied in the Great Charter, it might be simply and sufficiently expressed as resistance to irresponsible tyranny; and this substantially is the same, under the jerkin of the peasant and under the coat of mail of the baron. In all the struggles of freedom, therefore, which filled the centuries after Runnymede, it played the most conspicuous part; and from the solid vantage ground it established, each fresh advance was always made. Never, at any new effort, were its watchwords absent, or its provisions vainly appealed to; although, when old Sir Edward Coke arose to speak in the third parliament of James I, the necessity had arisen no less than thirty-two times to have them solemnly reaffirmed and re-established. Thirty-two several times had they then been deliberately violated by profligate ministers and faithless kings.

Already twice had this wrong been suffered in the reign succeeding John's, when, six years after the Regent Pembroke's death, and while the person of the young King was under the guardianship of a Poitevin bishop, Peter des Roches, formerly a tool of John's, there was summoned the earliest Great Council which bore the ominous name of Parliament. The Court's urgent necessities had called it together: but upon the demand for a subsidy, fresh violations of the Charter were made broadly the ground for refusing it; and it was only at length conceded, in the shape of a fifteenth of all movables, upon receipt of guarantees for a more strict observance of the Charter, and with the condition that the money so raised should be placed in the treasury and none of it

taken out before the King was of age, unless for the defence of the realm, and in the presence of six bishops and six earls. As far as I am aware, this is the first example of parliamentary control brought face to face with the royal prerogative, and the transaction contained in the germ whatever has been worthiest of a free people in our history.

Indirectly may be traced to it, among other incidents very notable, that proclamation from Henry III, summoning his people to take part with him against the barons and great lords, which was one of the most memorable of the precedents unrolled by Sir Robert Cotton and Sir Edward Coke when the struggle with the Stuarts began. It was then late in the reign; but Henry was only seeking to better the instruction received in his nonage from appeals exactly similar addressed to the people by the barons, while their conflict still continued with Peter des Roches. The wily Poitevin, galled by the conditions attached to the subsidy, precipitated the young King into further disputes; in the course of which, offices of trust were gradually taken from the English barons and filled by foreigners brought over into England. The men of old family, wedded now to the land of their fathers as jealously as the Saxon had been, saw themselves displaced for the French jester, tool, or pander; and these so-called Norman chiefs turned for sympathy and help to a people no longer exclusively either Norman or Saxon, but united inseparably on their English soil.

Historians have been very reluctant to admit so early an intrusion of the popular element into the government of the Plantagenets; and it is still the custom to treat of this particular reign as a mere struggle for the predominance of aristocracy or monarchy. But beneath the surface, the other and more momentous power is visible enough, as it heaves and stirs the outward agencies and signs of authority; and what might else have been a paltry struggle, easily terminable, for court favour or military predominance, was by this converted into a war of principles, awful and irreconcileable, which ran its

course with varying fortune through all subsequent time. The merchants and tradesmen of the towns are now first recognisable as an independant and important class. They have been enriched by that very intercourse with foreigners which was so hateful to the class above them. They are invested with privileges wrung from the poverty of their lords. They are no longer liable to individual services, but in place of them are paying common rents. They have guilds and charters inviolable as the fees of the great proprietors; and, incident to these, the right, as little now to be disputed as that of the feudal superior had been, to hold fairs and demand tolls, to choose their own magistrates and enact their own laws. On the hearing of such men, the provisions of the Great Charter, read aloud from time to time in their County Courts, could not have fallen as a mere empty sound. What was so proclaimed might be but half-enfranchisement; it could indeed be little more, while serfdom remained in the classes directly beneath them; but it pointed to where freedom was, accustomed them to its claims and forms, and helped them onward in the direction where it lay. They joined the Barons against the foreign favourite.

The conflict had continued some time, and Henry was twenty-six years old, when his necessities again compelled him to call together a parliament; but twice his bidding was refused, and the messengers who bore the refusal might have added the unwonted tidings, that songs sung against the Favourite, and filled with warnings to the Sovereign, might daily be heard in the streets. Amid other signs and portents of social change had now arisen the political ballad. In it shone forth the first *vera effigies* of the Poitevin bishop of Winchester; nimble at the counting of money as he was slow in expounding the gospel; sitting paramount, not in Winchester, but in Exchequer; pondering on pounds, and not upon his holy book; postponing Luke to lucre; and setting more store by a handful of marks than by all the doctrines of their namesake saint. Would the King avoid the shipwreck of

his kingdom? asked the singer. Then let him shun for ever the stones and rocks (Roches) in his way. Quickly, too, were these warnings followed up. By no less a person than Pembroke's son, the standard of rebellion was let loose in the Welsh districts; the clergy, oppressed by tax and tallage from Rome, began to take part in the general discontent; and in midst of a feast at the palace, Edmund of Canterbury (Langton's successor) presented himself with a statement of national grievances and a demand for immediate redress. He reminded the King that his father had well nigh forfeited his crown; he told him that the English people would never submit to be trampled upon by foreigners in England; and for himself he added, that he should excommunicate all who any longer refused, in that crisis of danger, to support the reform of the government and the welfare of the nation. That was in February, 1234. In April, a parliament had assembled, Peter and his Poitevins were on their way home across the sea, the ministers who had made themselves hateful were dismissed, and the opposition barons were in power.

This will read like the language of a modern day; but if such events have any historic significance, they establish what in the modern phrase can only properly be described as ministerial responsibility and parliamentary control. Nor were they the solitary or isolated events of their class which marked the feeling of the time. Again and again, during this prolonged reign, the same incidents recur, in precisely the same circle of resistance and submission. There is an urgent request for money, which is contemptuously refused; but on a promise to redress grievances, the subsidy is given. Then, Court coffers being full, Court pledges are violated; until again distress brings round the old piteous petition, and, with new conditions of restraint and constitutional safeguards before undemanded, assistance is rendered again. In five years from the incident I have named, the money so granted by Parliament was paid into the hands of selected Barons,

with as strict proviso for account as modern parliaments have claimed over public expenditure; and in two years more, on the payment of certain monies to the Exchequer, the City of London exacted a stipulation that the Justiciary, Chancellor, and Treasurer might thereafter be appointed with the consent of Parliament, and hold their offices only during good behaviour. And at the very time when public faith was thus beginning to be exacted and recognised, law was taking the form of a system. It was now that Bracton produced that treatise which went far in itself to establish uniformity of legal practice, and so create our common law; nor had the reign, for which this might have sufficed as the sole distinction, reached its close, before the same great lawyer found himself able to reckon as superior to the King "not only "God and the law by which he is made king, but his "Great Court (Curia Regis); so that if he were without a "bridle, that is the law, they ought to put a bridle upon "him." This Court, this Curia Regis, consisting of Chief Justiciary, Chancellor, Constable, Marshal, Chamberlain, Steward, and Treasurer, was what in modern time might be called the Cabinet of the King.

But the achievement which most connects this thirteenth century with the struggles of the seventeenth, and with the associations of modern time, remains to be commemorated. Beyond doubt or question, and after due allowance for differences in a discussion where the most learned and calm of antiquarians have not been able wholly to divest themselves of party zeal, in the Great Council which met at Westminster on the 2nd of May, 1258, originated the House of Commons as a separate branch of the State.

Under the earliest Norman kings, what was called the Great Council appears to have been only another form of the Saxon Witan. A greater misapprehension of our constitutional history can hardly exist than that which would affect to discover in it any actual commencement of our modern House of Lords. The idea of an hereditary House of Lords did not at that time exist in England.

A barony consisted of so many knights' fees; in other words, of so many estates from which the services of a knight were due; and a baron claimed his barony not as a lord (even the coronet was not worn until much later), but as a proprietor. The Council, in short, was distinctly representative. The dignity was territorial, resulting from the possession of fiefs of land; and if those fiefs were forfeited, alienated, or lost, the dignity departed with them. But it is not difficult to discern how a larger parliamentary system would almost necessarily arise out of such baronial tenures. Through all the differences and dissensions of the many learned persons by whom these matters have been discussed, and without touching the vexed questions which their learning has left still unsolved, it seems tolerably clear that, whether or not tenure by knights' service in chief was originally distinct from tenure by barony, they had become so separated some time before the reign of John. Tenants in chief appear to have comprised, in the first instance, only the King's immediate vassals; but as time wore on, they could not so be restricted. Many of the greater baronies split up and became divided; while the name of baron, no matter what number of fees it represented, or for the feudal service of how few or how many knights it may have been responsible, was still retained.

But this led to a natural jealousy on the part of the greater proprietors; and in time to a broad distinction, in name at least, between the more important of those barons who held by their honours or baronies, and the lesser proprietors whom grants of escheated honours might newly have created, or whose ancient rights had been reduced by escheat or decay. A tenant in chief was now not necessarily a baron; or he might be a baron of inferior grade. It is more difficult to determine what regulated the issue of writs of summons; but it seems probable that the same jealousy to which allusion has been made, brought about the distinction first observable in John's reign, between the greater baron summoned by

his special writ, and the inferior tenants in chief called together by a summons directed to their sheriff. It is clear also, that, though all were entitled to summons, the mere right of tenure could not dispense with its forms; and an unsummoned tenant, without resorting to such remedies as might compel the issue of the writ, could not take his place in the Council.

Up to this point, it will be observed, the principle is distinctly that of feudal representation. The immediate vassals of the Crown, representing certain land, possess the personal right to be present in parliament. They are the liegemen of the Sovereign; and, by the universal feudal compact, though aid could be asked of the liegeman, the man's consent was necessary to legalize the aid; while the same relation, implying protection from the lord, conveyed a further right to insist upon corresponding guarantees. In this view, the presence of both larger and lesser tenants was required, and was even exacted by the Crown as needful to the authority and execution of a law. But as the inferior tenants increased in number, the tax for parliamentary attendance on men of smaller fortunes became intolerable; and their consent and attendance came to be implied in that of the greater barons. Still, they were supposed to be in the Council; and it seems to me that to the mere form and legal fiction thus resorted to, may be traced the gradual transition from a feudal to a real representation. The sure though silent power, with which a growing society of men will modify and adapt old institutions to new necessities, at once widening and strengthening their foundations, is for the most part happily unknown to those who might otherwise not unsuccessfully strive to control it.

As the inferior tenants in chief withdrew gradually from the Council, its component members became restricted to the bishops and abbots, the earls and barons, the ministers and judges, and neighbouring knights holding of the Crown. But the language of the writs continued to

imply a much larger attendance. When, for example, the Great Charter was confirmed in the ninth year of Henry's reign, the roll informs us that at the same time a fifteenth had been granted in return by the bishops, earls, barons, knights, free tenants, and all of the kingdom (*et omnes de regno nostro Angliæ*); and when a fortieth was granted seven years later, there is put forth as having concurred in the grant the strange and ominous combination of bishops, earls, barons, knights, freemen *and villeins*. This was indeed a fiction, but with an expanding germ of truth. The consent of particular classes was to be understood, as a matter of course, to be included in that of others. But the very emptiest acknowledgment of a right is precious. The right itself waits only its due occasion to assume the substance and importance of reality.

Nor had the English freeman, even under his earliest Norman kings, been wholly without the means of knowing what representation meant. When the Conqueror or his sons had any special reason to make inquiry into their own rights; when particular wrongs of the people reached them, or when peculations were charged against their barons or officers; nothing was more common than a commission of knights in each shire, not simply named by the Sovereign (as when the Conqueror issued an inquiry into the details of the Saxon law), but quite as frequently elected in the County Court, whose business it was to proceed from hundred to hundred, to make the investigation upon oath, and to lay its result before the King in council. The Great Charter contained a provision for the election of twelve knights in the next court of each county, to inquire into forest abuses. In the seventh year of the reign now under notice, every sheriff was ordered to inquire, by means of twelve lawful and discreet knights, what special privileges existed in his shire on the day of the first outbreak between John and his barons. And in the year of the assembling of the Great Council to which these remarks apply, a commission of four knights

in each county received it in charge to inquire into certain excesses committed by men in authority. In relation to the levy of subsidies also, the same rule came to be adopted. The most ancient example on record of a subsidy (that of 1207) is found to have been collected by the itinerant judges; but only thirteen years later, the office of collection is seen to be deputed to the sheriff, in conjunction with two knights to be chosen in a full court of the county, with the consent of all the suitors.

Was it not obvious that such usage as this must grow as the people grew? Were not the collection of taxes, and reports of grievances, manifest steps to a power over the money collected, and to a right of petition against the grievances exposed? Is it difficult to discern, throughout these efforts of Norman royalty to check the excess of its ministers and obtain the co-operation of its people, the vague formation of that authority and house of the Commons, which was to prove more formidable than either of the powers it was called into existence to control?

Soon what was vague became more distinct. It wanted yet two years of the date of the Great Charter, when a writ was issued marking the first undoubted transition towards the change so vast and so memorable. This contained a summons for military service, with an order that four discreet knights of the county should be sent to Oxford without arms to treat with the King concerning the affairs of the kingdom. In other words, it was a summons to Parliament, in terms the same as those of a later period; and it was followed, after an interval of forty years, by another and more decisive instance. While Henry III was on the continent in 1254, his Queen and Regents summoned the tenants in chief to sail to his assistance; and gave order, in the summons, that "besides these, two lawful and discreet knights should "be chosen by the men of every county, in the place of "all and each of them, to assemble at Westminster, and "to determine with the knights of the other counties

" what aid they would grant to their Sovereign in his " present necessity, so that the same knights might be " able to answer, in the matter of the said aid, for their " respective counties."

Of the meaning of such a writ and its return, there cannot surely be a question; nor is it easy to understand the discussion it has provoked. Call it singular, anomalous, or by what name may most suitably express its irregular character; except it from ordinary parliaments, and call it a convention; still the undeniable fact remains, that it was a scheme to obtain money from the Commons of the various counties, and that to this end it prescribed the election of representatives whose deliberation and assent should control those of their constituents. The language of the writ connects itself undoubtedly with that of its predecessor in the fifteenth of John; and it is quite immaterial whether or not the barons, and higher tenants in chief, were summoned to sit with these knights. Enough that the Commons of the shires were thus admitted to a co-ordinate share in the imposition and voting of taxes; for, whatever antiquarians may urge as to Parliament's use of one chamber at Westminster up to the middle of the third Edward's reign (abundant proof exists of separate sittings in other parts of England), it is sufficiently clear that the voting must always have been by each order separately, and without interference from each other. The mere circumstance of the different proportions of taxation would establish this.

In the thirty-eighth of Henry III, then, the principle of a real representation had become part of the constitution of England, and the third estate of the realm took a direct share in its government. Yet, momentous as the concession was, it had been obtained by no violent effort, but as the mere unavoidable result of the increasing importance of the people. From lesser they had risen quietly to higher duties. The knight, whose business it had been to assess subsidies, had found gradual admission

by the side of the earls and barons, to help in the disposition and distribution of the money obtained; and that he and his fellows were so received distinctly as the deputies of others, appeared even in the remuneration set apart for them. Great men, such as earls and barons, who attended in their own right, paid their own charges; but men of smaller substance, who had undertaken merely to transact business for others, were held to have a title to compensation from those in whose behalf they acted. As they were paid for their labour in assessment, so for their sacrifice of time and labour in representation they were paid. Wherefore a rate levied on the county discharged their expenses for so many specified days, in "going, staying, and returning."

On another branch of this inquiry, too, which has been sadly encumbered with needless learning and misplaced vehemence of discussion, the county rate would seem to have an important bearing. It has been assumed, by those antiquarians who would narrow as much as possible the basis on which our freedom is built, that the representative knights, as representing simply the inferior tenants in chief from whose reluctance to attend in Parliament they first derived importance, are not to be taken to have had relation to the county at large. But this assumption is negatived by every reasonable supposition. The wages of the knights were levied on the whole county (*de communitate comitatûs*); and the mesne tenant could hardly have been denied a right, to the support of which he was obliged to contribute. That what concerned all should be approved by all, was a maxim not unused by even Norman kings. The language of the writs of election, also, cited with pardonable exultation by Prynne in the early sittings of the Long Parliament, is clear and specific. The tenants in chief are never mentioned in them; while tenants of the Crown implied tenants both by free and by military service. The condition required of the candidate, was to be discreet and lawful; of the electors, to be suitors of the county; and of the election, to be made in

a full court. A full County Court was always the least feudal of the modified feudality that lingered in England. It comprised all freeholders; whether of the King, of a mesne lord, or by military or any free service; and in the reign of Henry III therefore, not less certainly than in that of Victoria I, the knights of the shire represented, without regard to the quality of tenure, the whole body of freeholders.

Still, they were knights. Their station associated them with the earls and barons. They were part of what in feudal institution was held to be a lower nobility. They ranked above the ordinary burgess or citizen. They represented the power of the Commons, but they were not commoners; even when the commoners sat apart, they continued to sit with the barons; and as yet no man seems to have dreamt that the class lower than they, could ever be raised to the national councils, whether in separate, co-ordinate, or subordinate rank. Though the principle which by easiest pressure expanded to admit them, had been winning its gradual way for centuries to the acknowledgment it had at last obtained, yet that lower class were still shut out. But what ages and generations are needed to prepare, the man and the hour accomplish; and both were at hand when the Great Council, having met at Westminster on the 2nd of May, 1258, yielded to the demand of Simon de Montfort that a parliament should meet at Oxford in June. The struggle which then began filled more than six eventful years, but at last the day arrived, never to be forgotten in English story, and on the 14th December, 1264, writs went forth calling together representatives from the counties, cities, and boroughs, to meet the prelates and great lords; and the first enactment of that most memorable assemblage, giving solemn confirmation to charters and ordinances, ran as by common consent "of the King, his son Edward, the prelates, earls, barons, "*and commonalty of the realm.*"

That from the position thus gained the commonalty never again were dislodged, is the sufficient answer to

those who would ascribe the victory less to the causes I have retraced than to the sudden needs of a faction of the barons. As of right the commonalty took, and they kept, the place to which they were called; and we may dismiss as of the least possible importance the question whether the power was usurped that called them. Their existence once recognised, no man was found to gainsay it; their position and place once found, everything helped to make it more decisively plain. In the reigns of the first and second Edwards, and their successors, we find them in actual efficiency as a branch of the State; and in spite of the weaker princes, as with the help of the wiser and stronger, their power was still to grow.

Edward I had not occupied his father's throne three years when a statute was passed that forasmuch as election ought to be free, no man by force of arms, nor by malice or menacing, should disturb any to make free election. Ten years later, what proved to be one of the heaviest blows to the system it was meant to guard was struck by the arming of all classes: for then was passed the Great Statute of Winchester, by which every man in the kingdom, according to the quantity of his lands and goods, was assessed and sworn to carry weapons. The lesson had now been taught to two estates of the realm, that in the third, as yet unknown to itself, the supreme force lay; and the ability or power most effectively to make common cause with it, was hereafter to be the measure of gain or loss to either. A curious example presents itself in the succeeding reign. Under Edward II, when beyond all question the Commons sat, as well as voted, apart from the temporal and spiritual Barons, numerous boroughs were expressly created with the design of strengthening the regal as opposed to the aristocratic influences; and it was also then that, in a very remarkable statute, equal legislative power with the other estates was claimed for the commonalty, not as a new pretension, but "according as hath been before accus-"tomed," as a fundamental usage of the realm. Both

the first and the third Edward, in the plenitude of their power and their success, attempted without direct authority from Parliament to impose taxes on the people; and both had to suffer defeat. Edward I struggled long to reverse that decision; and in the end had but to enter into more special covenants that he would never again levy any aid without the assent and good-will of the estates of the realm. The long and remarkable reign of his grandson is the date of the Statute of Treasons, one of the greatest gains to constitutional freedom. It limited the crime, before vague and uncertain, to three principal heads; the conspiring the King's death, the levying war against him, and the adhering to his enemies; and, if any any other cases for question should arise, it prohibited the judges from inflicting the penalty of treason without application to Parliament. Then also were passed those memorable acts against arbitrary conscription and compulsory pressing of soldiers, so repeatedly cited in the struggle against Charles I, which saved to every man, except upon "the sudden coming of strange enemies into "the realm," the obligation to arm himself only within his own shire. But perhaps the highest distinction of Edward III's government was that the poet Chaucer then arose to instruct and charm his countrymen, purifying their native tongue. And it was with much appropriateness, therefore, enacted in the thirty-sixth year of the reign, that the English language, which had been thus ennobled, should in future be used as the language of legislation.

The greatest of the Edwards governed England for fifty years, and called together seventy parliaments. He was succeeded by a prince of qualities in all respects the reverse of his, and whom Parliament deposed. Yet not more certainly in the enforced resignation of the crown which closed the reign, than in the rebellion of the serf-class which signalised its commencement, did Richard II's rule bear testimony to the strength and efficacy of principles promoted equally by the rule of

Edward. Placed even on the inferior ground of a conflict between the higher powers of the State; calling it mere gain to the King when he broke down the exclusive pretensions of the great lords by forcing their House to recognise his writs of summons, and counting it but as a new privilege to the Barons when they led Henry of Lancaster to the vacant throne; the consequences of this reign were momentous. With at least the nominal co-operation of the constituted authorities of his empire, a legitimate King had been deposed; and never was it afterwards disputed, that the solid and single claim of the dynasty which took his place, rested upon the ability of Parliament, or of the power which those Lords and Barons with all England armed behind them represented, so to alter the succession. By the wording of the acts of settlement connected with the change, that most essential principle of popular right was fully admitted; and from them were derived the historical and legal precedents which, down to our own time, have proved most advantageous to the people. Nor did the first prince of the house of Lancaster accept them grudgingly. Wary as he was bold, the policy of Bolingbroke continued to be the policy of Henry IV. The parliamentary authority which had given him power, and the popular sympathies which had confirmed his title, were in every possible way promoted by him during the fourteen years of his great though still disputed rule; and no one who examines the preambles and other wording of the statutes that were passed in his reign, can fail to be struck with the sense of how much the commonest orders of the people must have risen since the date of the reign of John, in all that, with the sense of personal power, brings the sure hankering after political privilege, gradual means to estimate freedom at its value, and strength ultimately to win it. It was this Sovereign whom his House of Commons startled with the proposal that he should seize the temporalities of the Church, and, after general and reasonable endowment of all the clergy, employ them as a

fund reserved for the exigencies of the State. The proposal failed, unluckily for the Church itself, but it led to some important checks on clerical privilege; and the thirty articles which, two years later, were not only proposed but conceded, for the regulation of the King's household and government, have been declared by Mr. Hallam, an authority well entitled to respect, to form a noble fabric of constitutional liberty, hardly inferior to the petition of right. The Sovereign was required to govern by the advice of a permanent council; and this council, together with all the judges and the officers of the royal household, were bound by solemn oath to parliament to observe and defend the amended institutions. It established in effect the principle of ministerial responsibility.

To this, then, had been brought, at the opening of the fifteenth century, that claim of a Sovereign Authority which in the older time had certainly been conceded to the Norman King. For it would be as idle to doubt in what division of the State the conquest temporarily vested such authority, as to deny that many forms of it still were retained long after its substance and vitality had departed. Still, for example, the course of legislative procedure retained vestige of exclusive kingly rule. Petitions were still presented by the Commons, considered by the Lords, and replied to by the King; which, being entered on the parliament roll, formed the basis of legislation by the monarch himself. Even as late as Henry V, indeed, on the authority of a somewhat remarkable remonstrance found on the roll, it has been alleged as a not unusual practice for the King, taking advantage of the custom which had so arisen of leaving statutes to be drawn up by the judges from the Petition and Answer during the parliamentary recess, to misrepresent and falsify the intentions of parliament, by producing statutes to which it had not given assent. But how strikingly it proves that the sovereign authority, as a real working power, had declined, when such artifices were thought worth resorting to; and how significant the fact that in the very next reign even the form disappeared alto-

gether, and, in place of the old Petitions, the introduction of complete statutes under the name of Bills was effected.

What the sword had won the sword should keep, said Henry V on his accession; but what was meant by the saying has its comment in the fact that in the year which witnessed his victory at Agincourt, he yielded to the House of Commons the most liberal measure of legislative power which until then it had obtained. The dazzling splendour of his conquests in France had for the time cast into shade every doubt or question of his title, but the very extent of those gains upon the French soil established only more decisively the worse than uselessness of such acquisitions to the English throne. The distinction of Henry's reign in constitutional history will always be, that from it dates that power, indispensable to a free and limited monarchy, called Privilege of Parliament; the shield and buckler under which all the battles of liberty and good government were fought in the after time. Not only were its leading safeguards now obtained, but at once so firmly established, that against the shock of incessant resistance in later years they stood perfectly unmoved. Of the awful right of impeachment, too, the same is to be said. It was won in the same reign, and was never afterwards lost.

For let it not be thought that all the fruits of the hard-fought liberal victories were at once gathered in and stored for peaceful and uninterrupted enjoyment. What most impresses the careful student of early English history, is the singular and marked distinction he finds it necessary to keep before him, between a generally existing substantial recognition of the securities of civil freedom, and their frequent and flagrant violation. Still the violation, when it occurred, was seen to be such. "So when the Lion "preyeth" as brave old Sir Edwin Sandys told the House of Commons early in James I's reign, "no cause to think "it his right." Of a mingled character in this respect were the results of the long and bloody contest, now about to begin, between the rival branches of the Plantagenet

family; but it does not admit of doubt that the final predominance of the house of Lancaster was favourable to popular liberty. The influence from which it first derived authority, still imparted power. The right of parliament to alter the succession was the title on which that house rested, and in its continuance the popular sanction was implied. As the period of the accession of the family of Tudor approaches, the full effect of such influences is distinctly seen.

The heaviest blow had been struck unconsciously at the feudal system in England when the third estate of the realm obtained a formal place in the legislature, and with the accession of Edward I the feudal tenures and privileges had begun rapidly to decline. Domestic and prædial servitude had also been abolished, or had fallen to disuse; and though villenage was never repealed by any regular enactment, the peasantry had gradually been emerging from it into the state of hired labourers and copyholders. During the interval to the wars of the Roses, without express external aid, society had been finding for itself a more easy level throughout its various gradations. The few aristocratic privileges that remained were no peculiar burden to the knight, the gentleman, or the yoeman, the burgess or the labourer; and, what is very important to keep in mind, these several particular classes had obtained their form and place in simple obedience to the working of general laws. Servitude or villenage was no part of feudalism; and the tendency of the feudal system itself was to decay, in proportion to the higher development of that principle of mutual rights and duties, and of the corresponding obligations thereby engendered, on which feudalism was founded.

A more striking illustration of this truth could not perhaps be afforded than by the contrast, which has not escaped observation, between the insurrections of Wat Tyler and Jack Cade. It is the remark of Sir Frederick Eden, in his excellent book on The Poor, that in the earlier of these popular tumults, which, notwithstanding the atrocities that attended it, very materially contributed

towards the extinction of servitude, the language of the rebels, who were chiefly villeins, bespeaks men not unacquainted with the essential requisites of rational liberty. They required the abolition of slavery, freedom of commerce in market towns without tolls or imposts, and a fixed rent on lands instead of services due by villenage. But more remarkable and worthy of notice is the advance which, after the comparatively short interval of three quarters of a century, Jack Cade's rebellion proclaimed. Here there is nothing to connect the movement with any forms of serfdom. What rebels now claimed with arms in their hands, was the redress of such public wrongs as the King's profligate expenditure, and the subject's exposure to illegal exactions in order to maintain it; as the preference of foreigners over Englishmen in the offices of State; as the gross wrongs committed by sheriffs and the collectors of taxes; as the imperfect and uncertain administration of justice; and finally (most memorable grievance of all) as the unwarrantable interference of the nobles in elections for the House of Commons. Nothing could more strongly show how rapid must have been the fall of the feudal system when once the change began; or how naturally the classes immediately below the noble, had become parties to a league offensive and defensive against him. The good old Fuller so hated all rebellions, except rebellions against popery, that he finds in these popular insurrections the reason why the better sort of people, to avoid being confounded with levellers and rabble, set up all kinds of nice social distinctions; but the truth lies exactly the other way. Less and less were the distinctions marked, as the Tudor time came on. Commerce levels by exalting. And Mr. Hallam has pointed attention to the very unpleasing remark, which everyone who attends to the subject of prices will be disposed to think not ill-founded, that the labouring classes engaged in agriculture were generally better provided with the means of subsistence in the reign of Henry the Sixth than they are at present.

Evidence more direct and positive, indeed, is not wanting, of the comparative happiness and freedom of the people generally under the latter years of the Plantagenet rule. Two very trustworthy writers have sketched, from personal observation, the respective condition of England and of France at this time; and both have directed attention to the fact that while, in France, there existed only the two divisions of a powerful governing noblesse and a servile peasant population, in England, on the other hand, a third and middle class had been able to make good its independence, because the nobles wisely had retained no privileges that prevented their mixing and marrying freely with other classes of the realm. When thus Sir John Fortescue, twenty years before Henry VII ascended the throne, wrote in praise of the English laws, it was on the ground of this special limitation of the power of the sovereign, and of the non-exclusive character of the privileges of the nobles; and when his yet more travelled and experienced contemporary, Philip de Comines, turned to England from the contemplation of other States, as the country where the commonwealth was best governed, it was because he had reason to believe that there the people were "least oppressed."

What the main guarantees against oppression were, Henry VI's learned Chancellor enables us to state also with tolerable exactness. In the first place, the "sole "will of the prince" could not enact a law, nor make alterations in existing laws, nor "burthen men against "their wills with strange impositions," nor "lay taxes or "subsidies of what kind soever upon the subject," but with the concurrent consent of the whole kingdom through their representatives in Parliament. These representatives consisted of the lords spiritual (bishops and mitred abbots), and lords temporal (in right of property, by hereditary claim, or, after Richard II, by summons), who voted in the upper house; and of individuals chosen by the freeholders of counties, and the burgesses of towns, who formed the lower house. In the next place, no man

could be thrown into prison, but under sanction of a legal warrant which specified his offence, and with the right of demanding speedy trial. That trial, moreover, must be heard in a public court, in the district where the alleged offence was committed, and be determined conclusively by the verdict of twelve men; which in like manner decided questions of fact, as affecting the civil rights of the subject. Finally, the servants and officers of the Crown were liable to actions of damage, or to criminal process, when the subject suffered unjustly at their hands in person or estate; nor could they plead in answer or justification, even the direct order of the Sovereign.

How far these guarantees, and especially the last, were reduced or evaded in practice, it would not be difficult to shew. Lord Macaulay has remarked on the facility with which a prince who reserved to himself a pardoning power might overstep the limits that separate executive from legislative functions, by so remitting or so enforcing penalties as virtually to annul or create the statute imposing them. But, in theory at least, no one ventured to dispute the law; and when judges were honest, and juries intelligent and brave, an effective restraint was not seldom put upon the Crown. The checks of Parliament had invariable recognition. In affairs of peace and war, in the marriages of princes, in control of the domestic government, Parliament had now for centuries claimed and obtained the privilege of advising, and not seldom of restraining, the Sovereign; and in one momentous question, it had completely succeeded, as we have seen, in establishing its paramount authority. The formal tenure and absolute control of the public purse had at length been finally yielded by the Crown. The struggle lasted long; but more than a century before the first Tudor, no prince had even attempted to impose a tax without the consent of Parliament. Happily for the prince, indeed, when such consent involved any great difficulty, he had the show of begging and borrowing to resort to; but the very name of the Loan or the Benevolence, the mere pretence

that he would borrow and beg, kept alive his formal abandonment of the right to take, and at last strengthened the people to destroy it for ever.

One consideration should be added, which in every retrospect of our constitutional history it is safe not to lose sight of. In reviewing the course of events through which the Commons' house of parliament obtained recognition, it is important not to attach too great a weight to their single unassisted authority. They profited less by power to which they could of themselves lay claim, than by power or weakness in other sections of the State. They were stronger after the rebellion of the serfs, which struck the blow at villenage; they were stronger after the rebellion of the barons, which crowned the first Lancastrian king. Deriving help alternately from the powers above and below themselves, it would have fared ill with the third branch of the legislature at any difficult crisis, if, unsupported by the people, they had been unassisted by the lords. Nor might it be unjust to measure the relative value of such support and of such assistance, by a comparison of the more difficult and less perfect maintenance of the national liberties, with the absolute victory in taxation. In the first, the Commons were often deserted by the Barons; in the last, they were never deserted by the People.

There the supreme force lies. None exists that can be compared with it, when moved into action. The bodily fetters of the feudal system, the mental bondage of the Roman Catholic priesthood, were expedients to keep the People at rest; but they could not last for ever. The doom of feudalism had gone forth, before the preaching of Wickliffe began. It only remained that the aristocratic factions should throw themselves into a self-exhausting struggle, and underneath the very storm provide those principles which they must else have resisted, and might have overthrown, an unconscious but efficient shelter.

During the wars of the Roses there was no leisure to

persecute the Lollards; and commerce and the arts, unobstructed by any intermeddling, were left to their natural development. The marked increase of commerce, the sudden growth of learning, advances made in the useful arts, and the earliest great endowments for the foundation of grammar-schools and places of popular education, are thus the incidents which also signalise the time, when the chiefs of the great families, ejected finally from those provinces of France which had fed their appetites for plunder and power, were impelled to that conflict with each other, on their own soil, of which all the sufferings and all the retribution were to fall upon themselves alone. For though this was a strife which lasted incessantly for thirty years, though twelve great pitched battles were fought in it, though eighty princes of the blood were slain, it raged only on the surface of the land, and the peaceful current beneath was free to run on as before. The desolation of the bloody conflict never actually reached the heart of the towns, except in awakening such instincts of danger as are the primary sources of safety. Hence, on the one hand, for precaution and defence, guilds, commercial brotherhoods, and municipal safeguards silently arose, to grow more hardy and to flourish; while, on the other, ancient baronies, all-powerful families, names that had overawed the crown and overshadowed the people, sank in the conflict, never to rise again. The storm that swept the lofty, spared the low. It was the beginning of a vast social change, now accomplished apparently without the aid of those whom principally it was to affect; and not limited to England. Over the whole continent of Europe its manifestations might be seen. The system of the Middle Ages was everywhere breaking up. The sway of a feudal chiefdom, in all modifications of its form still fitful and turbulent, was ending; and there was rising, to take its place, a predominance of monarchy in personal attributes, a calm concentrated individual cunning, or as it was called in after years, when it had lost all the subtle qualities that justified

the name, a Kingcraft. The *tres magi* of kings, renowned for possession of this sovereign craft, have been celebrated by Lord Bacon. Louis XI had arisen in France, and Ferdinand in Spain; yet the lesson for which Machiavelli waited was incomplete, until Henry Tudor took possession of the English throne.

Though the last living representative of the house of Lancaster, he was not its legitimate heir; but from his marriage with the heiress of the house of York, he derived a strong title. His own dissatisfaction with it nevertheless, and his uneasy desire to surround it with other guarantees, are among the indications of a state of feeling in England at the time which distinguishes the position of Henry VII from that of the other *magi*. The act of settlement passed by the two Houses upon his accession, taking great pains to avoid either the assertion or contradiction of any pretensions of lineal descent, had created strictly a parliamentary title; but he afterwards obtained a rescript from Pope Innocent III, setting forth all the other conditions on which he desired it to be known that the crown of England also belonged to him. It was his, according to this document, by right of war, by notorious and indisputable hereditary succession, by the wish and election of all the prelates, nobles, and commons of the realm, and by the act of the three estates in Parliament assembled; but nevertheless, to put an end to the bloody wars caused by the rival claims of the house of York, and at the urgent request of the three estates, he had consented to marry the eldest daughter and true heir of Edward IV: and now, therefore, the supreme Pontiff, being called to confirm the dispensation necessary to such marriage, declared the meaning of the act of settlement passed by Parliament to be, that Henry's issue, whether by Elizabeth, or, in case of her death, by any subsequent marriage, were to inherit the throne. More remarkable than the rescript itself, however, were the means taken to carry it directly to the classes it was meant to address. It is the first similar document of

which we have any evidence that it was translated into English and circulated in a popular form throughout England. A broadside containing it, printed by Caxton, was discovered ten years ago.

Such indications may at least satisfy us that Henry Tudor would not very gravely have resented the description which has been given of him by Lord Bolingbroke, as a creature of the people raised to the throne to cut up the roots of faction, to restore public tranquillity, and to establish a legal government on the ruins of tyranny. The same writer, however, who doubts if he succeeded in this design, is undoubtedly wrong when he supposes that he failed in establishing what by all the customs of historical courtesy must be called a legal government. It is not of course to be disguised that in spite of many great principles asserted in it, and advantages achieved, his reign was not in its immediate course favourable to liberty. But the fact, as little to be questioned, that during its continuance risings in the Commonalty were far more frequent than remonstrances in the Commons, and that upon questions where the people proved most stubborn, parliament generally was most compliant, sufficiently shews that the defection did not so much lie with the people themselves, as with their proper leaders in the State. It was nevertheless the peculiarity of Henry's despotism, as distinguished from that of his more violent predecessors, that he bottomed it strongly on the precedents and language of law, screening the violation of liberty by artful employment of its forms; and though this may have made the despotism more odious while it lasted, it established more certainly a limit to its duration. Relatively to what is called the State, circumstances had thrown an overbalance of power into the hands of Henry; but to the mass of the people, these very circumstances rendered him unconsciously the instrument of great social and political change. The position he occupies in history, and the rights he exercised, began and ended with his race.

Of the shattered aristocracy of England only twenty-nine representatives presented themselves when Henry called his first Parliament, and several of these were recent creations. Doubtless it was well, for the ultimate advance of liberty, that the old feudal power had thus been so completely subdued, and the way by such means prepared for the decisive struggle with the Stuarts; but for the immediate progress of liberty, it was certainly less beneficial. The House of Commons, suddenly wanting in an old and habitual support, was too ready an instrument for the mere use and convenience of the King; and in such circumstances to avail themselves of every attainable advantage, and turn it to the best account, in each case holding it for religion that craft might supersede force, constituted the very art and genius of the *tres magi*. But though such circumstances worked well for the Mage upon the English throne, he did not, with all his craft, penetrate influences around him that were less obvious; nor suspect that, by a purely selfish legislation, he might yet be advancing higher hopes and more comprehensive designs. Surrounded, and no longer assailable, by the impoverished and broken power of the past, he was unconscious of a more formidable power which was silently and insensibly replacing it. He thought only of himself and his succession. When, by the statute enlarging and extending the old Consilium Regis, and creating the Star Chamber, he raised the judicial authority of the King in Council to a height at which the fiercest of his Norman predecessors would not have dared to aim, he did it to support the throne. That a rallying cry against the Star Chamber might one day bear the throne into dust, was not to him within the sphere of possibility. What was near him, in short, he never mistook or marred, and no man so clearly saw what would help or might obstruct himself. As Lord Bacon says, he went substantially to his own business, and, to the extent of not suffering any little envies or any great passions to stand in its way, he was a practical and sagacious statesman. But he was not a

great king, though he might be called an able, a crafty, and a prudent one.

So much, even in the midst of eulogy that might itself have preserved his name, would seem to be admitted by his incomparable biographer. "His wisdom," says Lord Bacon, "by often evading from perils, was turned rather "into a dexterity to deliver himself from dangers when "they pressed him, than into a providence to pre- "vent and remove them afar off. And even in nature, the "sight of his mind was like some sights of eyes; rather "strong at hand, than to carry afar off. For his wit "increased upon the occasion; and so much the more, if "the occasion were sharpened by danger." It will be a sufficient comment on these pregnant sentences merely to enumerate his leading acts of sovereignty. Heresy he thought dangerous; and he burnt more followers of Wycliffe than any since the first Lancastrian king. Winner of a successful stake in battle, he knew the chances of war to be dangerous; and he favoured strenuously the arts of peace. Served by men whom his death or discomfiture might suddenly attaint with rebellion, he thought it dangerous to leave those friends without security against the possible vengeance of future faction; and he passed the law which made possession of the throne the subject's obligation to allegiance, and justified resistance to all who should dispute it. Incessant suits for alienated lands he thought dangerous, in a country torn with revolutionary quarrel; and his famous statute of fines barred, after certain conditions, all claims of ancient heritage. But not to him, therefore, belongs any part of the glory of those greater results which flowed indirectly from these measures of precaution. It was with no intended help from him that the Wycliffe heresy struck deeper root; that more eager welcome was given to the studies which in England marked the revival of learning; that the civil duties of allegiance were placed on a just foundation; and that the feudal restrictions of landed property were finally broken.

On the other hand, with relation to the progress of constitutional freedom, or to the prevalence of just views in government and legislation, this reign of Henry VII must be regarded as the opening of a middle or transitional state. The feudal strength had been broken, and the popular strength had not made itself felt. Power was changing hands, and conscience was about to be set free; but both were to be meanwhile committed, almost unreservedly, into the keeping of the Tudors. The interest of the succeeding reigns, up to the very middle of Elizabeth's great career, is less political than social; and it is not in the statute book or the parliament roll that we are to look for what smoothed and made ready the way. Early in the summer of the eleventh year after Henry VII's accession, a Venetian seaman and pilot who had settled in Bristol during the impulse given to English commerce in the wars of the Roses, set sail from that city, accompanied by his three sons, with the first European expedition that ever reached the American continent. Later in the same summer, Lord Mountjoy brought over Erasmus into England, to take part in the new study of which Oxford had become the unaccustomed scene. Of commerce, as of learning, it was the reawakening time. The Cabots discovered the Island of Newfoundland and St. John, and with their five ships under the English flag crept along the coast of Florida; while Erasmus, in the Greek class at Oxford, was making discoveries not less rich or strange. "The world," exclaimed the student-scholar, "is recovering the use of its senses, like one awakened "from the deepest sleep." The civilisation so beginning, whatever struggle it had still to encounter, was to rest finally on freer intercourse and interchange of the labours of men's hands as well as thoughts; and singularly rare was the felicity that befel the great Greek poet, whose glory, identified with nigh two thousand years of the history of the past, was to be also most prominently associated with a fresh dawning and reawakening of the world. As with the old, so with the new civilisation,

which, through all its heats and vicissitudes of quarrel, civil and religious, was to find him still, as at first, driving along the Sigæan plain his temperate and indefatigable horses, making the Gods themselves his charioteers and ministers, and keeping them, alike in the ardour of combat and the tranquillity of Olympus, obedient to his will.

The statute book of Henry will be vainly searched for any attempt to strengthen, govern, or direct such agencies. It was his policy to favour commerce for his own advantage; but certainly his provisions against lending money on interest, against letting in foreign commodities, and for the supposed enrichment of the country by over-enrichment of himself, would entirely have failed to promote it. Among his legislative exploits none will be found to favour learning, or to suggest toleration for the new opinions; but he never burnt a Lollard, without in some sort more widely diffusing what men were so readily found so calmly to die for. To print an occasional pope's bull, or one of the acts of his own parliament, was the sole use to which he cared to put the types of Caxton or Wynkin de Worde; but there was sitting at the time, in beggarly rooms of Oxford colleges, another parliament, composed of such men as Grocyn, Linacre, More, Wolsey, and Erasmus, on whom that printing press was to confer an irresistible power, and who were legislating for the reign of his successor. Indeed, to that following reign everything which marked out this from its predecessors had a singular and special reference; and not an opportunity in it, improved or not by Henry for himself, failed with tenfold increase to reach his son. Upon his two most prominent designs, of fencing the throne against conspiracy, and making it rich and independent, he suffered no doubt to rest. Of the few great nobles that remained, not one ever found favour from him; out of churchmen and lawyers exclusively, he chose his friends and counsellors; and "ever having an eye to might and multitude," there was not a gathering of common men, whether with the citizen's cap or the peer's badge, which was not

watched by him so closely and unceasingly, and with so much caution, adroitness, and success, that of all the thick brood of treasons which marked the opening of the reign, not one existed at its close to vex its successor. That, even without his aid, the revenues of the Crown should at the same time have largely increased, was one of the consequences of the civil wars, which had dispersed the annuitants and creditors who previously crowded the door of the Exchequer; but these revenues were not alone handed down unimpaired, but free from incumbrances, increased by forfeitures, and with the enormous addition of his own ill-gotten exactions.

"Belike he thought to leave his son," suggests Lord Bacon apologetically, "such a kingdom and such a mass "of treasure, as he might choose his greatness where he "would:" but nothing can palliate the iniquity by which such wealth was amassed. Every means of extortion tried by the Plantagenet kings having been exhausted, he sought out other and more scandalous methods; and when, in his Courts at Westminster, he had found two learned lawyers sufficiently able, supple, eloquent, and unscrupulous, he was in possession of what he sought. "As "kings," says James I's experienced Chancellor, "do "more easily find instruments for their will and humour "than for their service and honour, he had gotten for his "purpose, or beyond his purpose, two instruments, "Empson and Dudley." These men revived dormant claims of the Crown, founded on obsolete pretensions of feudal tenure, and made them a means of frightful oppression. They discovered forgotten cases of forfeiture; invented false charges against innocent men, from which release was only given on payment of what were termed mitigations; dragged forward arrears of old amercements, alleged to be unsatisfied; and, with the help of a sort of informers and plaintiffs who were called "promoters," made the ordinary course of law an enormous engine of plunder. Unremembered penal statutes of profligate times were revived, to the end that, by intolerable

exactions for offences unknown, unconscious offenders might be dragged into the Exchequer; where Empson and Dudley sat as barons, where packed dependants of the Crown discharged the functions of juries, where juries with any sense of shame were made docile by imprisonment and fine, and from whose clutches the unhappy victims could only escape by exorbitant composition or hopeless imprisonment. But, horrible as all this was, not a little was it owing to such atrocities that Henry VIII succeeded to a better filled exchequer than any of his predecessors since the conquest, and to so many greater facilities for the work it was appointed him to do.

They did not indeed pass without some retribution. Though new honours had been largely heaped upon their perpetrators in the last year of Henry VII's reign, in the first year of Henry VIII's both Empson and Dudley were led to the scaffold. The popular wrath demanded them as victims; and it being more convenient that death should wipe out their debt, than that by any worse accident the royal exchequer should be called to make restitution, the new King gave them up to the executioner. Strong-willed as the Tudors were, they were generally able to put a present rein upon their passions, when by such means they could make more sure of their ultimate safe indulgence. They reigned in England, without a successful rising against them, for upwards of a hundred years: but not more by a studied avoidance of what might so provoke the country, than by the most resolute repression of every effort, on the part of what remained of the peerage and great families, to make head against the throne. They gave free indulgence to their tyranny only within the circle of the Court, while they unceasingly watched and conciliated the temper of the people. The work they had to do, and which by more scrupulous means was not possible to be done, was one of paramount necessity; the dynasty uninterruptedly endured for only so long as was requisite to its thorough completion; and to each individual sovereign the particular task might seem to have been

specially assigned. It was Henry's to spurn, renounce, and utterly cast off, the Pope's authority, without too suddenly revolting the people's usages and habits; to arrive at blessed results by ways that a better man might have held to be accursed; during the momentous change in progress, to keep in necessary check both the parties it affected; to persecute with an equal hand the Romanist and the Lutheran; to send the Protestant to the stake for resisting Popery, and the Roman Catholic to the scaffold for not admitting himself to be Pope; while he meantime plundered the monasteries, hunted down and rooted out the priests, alienated the abbey lands, and glutted himself and his creatures with that enormous spoil. It was Edward's to become the ready and undoubting instrument of Cranmer's design, and, with all the inexperience and more than the obstinacy of youth, so to force upon the people his compromise of doctrine and observance, as to render possible, even perhaps unavoidable, his elder sister's reign. It was Mary's to undo the effect of that precipitate eagerness of the Reformers, by lighting the fires of Smithfield; and opportunely to arrest the waverers from Protestantism, by exhibiting in their excess the very worst vices, the cruel bigotry, the hateful intolerance, the spiritual slavery, of Rome. It was Elizabeth's finally and for ever to uproot that slavery from amongst us, to champion all over the world a new and nobler faith, and immovably to establish in England the Protestant religion.

But though the tasks thus appointed to this imperious and self-willed family, had the effect of imparting an exceptional character to their style and course of government, it is not to be inferred that even they dared openly to violate those fundamental laws of which it has ever been the nature, in all cases, to use the fine expression of Fortescue, "to declare in favour of liberty." Henry sent to the scaffold whom he pleased, from within the precincts of the Court; but when, without the intervention of parliament, he would have taken the money of the people, he had to retreat before the resistance offered, and publicly to

disavow the intention of breaking the laws of the realm. Elizabeth's rule had been not less imperious than her father's, yet one of her latest acts was freely to surrender to the House of Commons her demand for certain monopolies, which had raised a fierce resistance in that house. Mary was able to burn, at her pleasure, the alienators of the abbey lands; but over the lands themselves, invested by forms of law in their new proprietors, she discovered that she was powerless. Unworthy as the position was, indeed, in which the House of Commons consented to place itself in these reigns, what survived of independence and courage still was able to find expression there; and the meanest-spirited of its assemblages had yet gleams of popular daring, which shew how little might have served, even then, to put substance into the forms of liberty, and how ready was even a Tudor King, "as he would sometimes strain up his laws to his pre-"rogative," to let down not the less, as Lord Bacon said of the founder of the race, "his prerogative to his parlia-"ment." In truth it can never be too often repeated that tyranny can only reign in England through the pretences of freedom. Acts of parliament are, with us, the weapons of despotic rule; and at times they will recoil with danger to the user, or break in the despot's hand.

Of this the unhappy Mary had painful experience when she saw the very house she had packed with her creatures turn against her in the matter she had most at heart. They went with her in re-establishing over the kingdom the authority of Rome; but when she would have had them concede to her husband an authority within the realm that might involve danger to the native privileges and laws, those very tools and creatures deserted her. Within two years she had to summon and dissolve three Parliaments, and informations were pending against recusant members at the time of her death. Nor will the same kind of incidents fail to be noted in her stronger father's reign. He found it not possible to reduce the lower House to the utterly dependent condition in which

a constant reaction of hope and dread,—the choice between confiscation and the scaffold, or church property and royal favour,—soon placed what remained of the upper House. The difficulty was not essentially very great, indeed, in dealing with the lower, but certain forms had to be observed; and it is curious that in Henry VIII's reign, not only (in the case of Ferrers) was one of the most valuable confirmations of privilege obtained by the Commons, but upwards of thirty members were added to their house, upon the principle expressed in the preamble to the act for so extending representation to the principality of Wales, that it is disadvantageous to any place to be unrepresented, and that those who are bound by the laws are entitled to have a voice in their enactment. Whatever uses the House of Commons might lend itself to, the idea of that higher function of representation was at least never lost; and even the Tudors had to remember, in common with all princes to whom as yet the luxury of a standing army was unknown, that the people so represented, being freemen, were trained universally to bear arms, and were under penalties to present themselves, at stated periods, for martial exercise in their counties and shires. Only because he wielded an authority, therefore, not strictly his, and for the use of which he was not directly responsible, could the Sovereign in such case ever assume to be all-powerful. There was a power beyond, which the people had now for two centuries uniformly recognised, and which alone could be the instrument, whoever might be the immediate agent, of changes affecting themselves. They saw the lower House continue to grant subsidies, not to be raised by any other means; and they saw it continue to be used in the proposal of statutes, which without its consent could never become binding. It gave their sole validity to the bills of attainder which struck down the guilty, or shed the blood of the innocent; and only by its sanction had one-fifth of the landed property of the nation been transferred suddenly to new proprietors. As the times of the Tudors wore on, too, and

left the character of their work, and its results, more visible, the members of that House began to claim for it worthier associations. "I have heard of old Parliament "men," said Peter Wentworth, from his place there, in the latter half of Elizabeth's reign, "that the banishment "of the Pope and Popery, and the restoring of true "Religion, had their beginning from this house, and not "from the bishops."

Unquestionably Elizabeth was the greatest of her race; but it was when her authority might seem to have been most weakened, that she bequeathed to her successors, by her last act of sovereignty, an example which might have saved them the throne, if they could have profited by it. Unhappily they could only imitate her in the qualities which provoked, and not in those which subdued or turned aside, resistance. It is a striking fact in the career of this great Queen, that she could put aside her hatred and contempt even of Puritanism itself, when she saw it had become so transfused with the desires and wants of the people as to represent no longer a religious discontent alone. While she believed it to be confined within that limit, the prison and the rack were the only replies she made to it; because she knew that from all serious attacks to maintain it, the cause she then championed efficiently protected her, and that from the very depths of the dungeons into which she might throw the Puritan leaders, they would yet be ready to offer up, as they did, their prayers for the safety of herself and the stability of her government. For to all the world it had become notorious, that the destinies and fate of the Reformation had for the time fallen into her hands exclusively; and that not in England only did she animate every effort connected with the new faith, but that in her centred not less the hopes of all who were carrying on the struggle, against overwhelming numbers, in other lands. Of the movement, however, of which she was thus the heroine, she unhappily never recognised the entire meaning and tendency; and

instead of disarming Puritanism by concession, she had strengthened and cherished it by persecution.

But, towards the close of her reign, when, after that subduement of the Roman Catholic power on the continent to which she had devoted so many glorious years, she found leisure to investigate patiently the domestic concerns of her kingdom, the old Puritan remonstrance presented itself to her under a new form, and in ominous conjunction with very wide-spread political dissatisfaction. Everywhere voices had become loud against royal patents of monopolies; and not only was her first minister's coach mobbed in the streets when he went to open her parliament of 1601, but, when Mr. Serjeant Heyle rose in that Parliament to express his amazement that a subsidy should be refused to the Queen, seeing that she had no less a right to the lands and goods of the subject than to any revenue of her crown, the House universally "hemmed and laughed and talked" the learned Serjeant down. Nor was the aspect of affairs become less grave or strange, when, a little later in that Parliament, Cecil thought it right to warn the lower House of dangers which had particularly declared themselves to his ripe and experienced judgment. "I must needs give you this "for a future caution, that whatsoever is subject to public "expectation cannot be good, while the parliament matters "are ordinary talk in the street. I have heard myself, "being in my coach, these words spoken aloud: *God "prosper those that further the overthrow of these mono- "polies!*" It had not then seemed possible to the Secretary's experience that the Queen herself might think it safer to attract this prayer to her own prosperity than to let any one else reap the benefit of it; but a very few days undeceived him. Elizabeth in person went to the house, withdrew all claim to the monopolies which had excited resistance, redressed other grievances complained of, and quitted Westminster amid the shouts and prayers of the people that God might prosper their Queen.

Within two more years she died, bequeathing the Crown to her cousin of Scotland.

To this point, then, the Tudor system had been brought, when Scotland and England became united under one sovereignty, and the noble inheritance fell to a race, who, comprehending not one of the conditions by which alone it was possible to be retained, profligately misused until they lost it utterly. The calamity was in no respect foreseen by the statesman, Cecil, to whose exertion it was mainly due that James was seated on the throne; yet in regard to it he cannot be held blameless. He was doubtless right in the course he took, in so far as he thereby satisfied a national desire, and brought under one crown two kingdoms that with advantage to either could not separately exist; but it remains a reproach to his name that he let slip the occasion of obtaining for the people some ascertained and settled guarantees which could not then have been refused, and which might have saved half a century of bloodshed. None such were proposed to James. He was allowed to seize a prerogative, which for upwards of fifty years had been strained to a higher pitch than at any previous period of the English history; and his clumsy grasp closed on it without a sign of question or remonstrance from the leading statesmen of England. "Do I mak the judges? Do I mak the "bishops?" he exclaimed, as the powers of his new dominion dawned on his delighted sense: "Then, God's "wauns! I mak what likes me, law and gospel!" It was even so. And this license to make gospel and law was given, with other far more questionable powers, to a man whose personal appearance and qualities were as suggestive of contempt, as his public acts were provocative of rebellion. It is necessary to dwell upon this part of the subject; for it is only just to his not more culpable but far less fortunate successor to say, that in it lies the source and explanation of not a little for which the penalty was paid by him. What is called the Great Rebellion can have no comment so pregnant as that which is suggested by the character and

previous career of the first of the Stuart kings. Upon this, therefore, and upon the court with which he surrounded himself in England, though they do not otherwise fall strictly within my purpose, I shall offer a few remarks before closing this Essay.

That James I had a decidedly more than fair share of what the world agrees to call learning is not to be denied; but it was of no use to any one, and least of all to himself. George Buchanan was reproached for having made him a pedant, and replied that it was the best he could make of him. Learning the great scholar could communicate, but not the mode of its use, or the knowledge of its value. Probably no such foolish man as James I was ever in fairness entitled, before or since, to be called a really learned one. But he possessed also, to a quite curious extent, a quick natural cunning, a native mother wit, and the art of circumventing an adversary; and it was to this Henri Quatre alluded when he called him the wisest fool in Christendom. That he ever derived a useful thought from what he knew, or a suggestion of practical worth, it is impossible to discover. Mystically to define the prerogative as a thing set far above the law; to exhibit king-craft as his own particular gift from heaven; to denounce Presbytery as the offspring of the devil; to blow with furious vehemence what he called counterblasts to tobacco; to deal damnation to the unbelievers in witchcraft, and to pour out the wrath of the Apocalypse upon Popery; were its highest exploits. He had been busy torturing and burning old women for the imaginary crime of witchcraft, while Elizabeth was preparing a scaffold for his mother; and it was to make the rest of the world as besotted with superstition as himself, that he wrote his *Demonologie*. Before he was twenty, with an astonishing display of erudite authorities, he had conclusively shown St. Peter's descendant to be Anti-Christ; but he was not more eager to set fire to a witch, than to burn seditious priests who might presume even

against Anti-Christ to rebel. To him it was the climax of sin to resist any settled authority. To seditious priests he owed his Scotch throne, there could be no doubt; but as little had he the courage to take open part against them, as the honesty to refrain from intrigues with his mother's turbulent faction. The only allegiance he was always true to, was that which he gloried in avowing he implicitly owed to himself.

Nor may it be denied that, at least in that outset of his life, he had some excuse for such self-saving instincts, in the straits through which he then passed. Alternately swayed between the two contending forces; his person now seized by the Nobles, and the Presbytery now governing by his name; he fell into the habit of making unscrupulous use of either, as occasion happened to serve. And hence the skill in outwitting people, the sly ways of temporizing, the studied deceit and cunning, which he formed gradually into a system under the name of kingcraft, and in which his whole idea of government consisted. Of course neither party could trust him. The condition of king *de facto* he owed to the presbyterians who placed him on the throne, but it was only from the papists he could obtain concession of the title of king *de jure* which he coveted hardly less; and if he detested anything more than the Jesuit who preached the pope's right to release subjects from their allegiance, it was the Presbyter who claimed a power to control the actions of his prince. And so his character was formed: without an opinion to rest upon, or a principle to guide it; devoid utterly of straightforwardness or self-reliance; and incapable, in any manly sense, of either friendship or enmity. He never formed an attachment which was perfectly creditable to him, or provoked a contest from which he did not run away. In this respect he was always the same, and the days of Arran but prefigured those of Somerset and Buckingham.

Before he inherited the English throne, James had three sons and two daughters born to him. Of these, two sons

and a daughter died before they reached maturity; but to the surviving daughter and son, a memorable part in English history was assigned. At Falkland, in the autumn of 1596, was born Elizabeth, afterwards Queen of Bohemia: whose name became identified on the continent with the Protestant cause, and through the youngest of whose ten children, the Electress Sophia of Hanover, the house of Brunswick finally displaced the house of Stuart. At Dumferline, in November 1600, was born Charles, his second son, who succeeded him as Charles I: and shortly before whose birth, Sir Henry Neville had written to Sir Ralph Winwood that out of Scotland rumours were abounding of no good agreement between the King of Scots and his wife; and that "the discovery of some "affection between her and the Earl of Gowrie's brother, "who was killed with him, was believed to be the truest "cause and motive of all that tragedy." The tragedy referred to was the murder, in their own castle, of the grandson of the Ruthven who first struck at David Rizzio; and the condition of James's mother, when she witnessed the assassination of her favourite, was the same as that of his wife, when she heard the fate of Alexander Gowrie. Not even in the blood-stained Scottish annals is an incident to be found more dark or mysterious than this; and on the day when the bodies of the two brothers were sentenced to ignominious exposure, the second son of James and Anne was born. His baptism was sudden, for he was hardly expected to outlive the day; and it was through an infancy and boyhood of almost hopeless feebleness, he struggled on to his ill-fated manhood. There is a complexional weakness imparted at birth, which nothing afterwards will cure; and this, disqualifying alike for stern resistance or manly submission, was unhappily a part of Charles I's most sad inheritance. He was nearly six years old before he could stand or speak, his limbs being weak and distorted, and his mouth mal-formed; nor did he ever walk quite without difficulty, or speak without a stammer. Who shall say how far these physical defects

carried also with them the moral weaknesses, the vacillation of purpose and obstinacy of irresolution, the insincerity and bad faith, which so largely helped to bring him to the scaffold?

James's last year as the King of Scots was probably the quietest he had passed in that troubled sovereignty. As his succession to the English throne drew nearer, his authority in his hereditary kingdom grew more strong. Many of his enemies had perished, others had become impoverished; and all began to think it more profitable game to join their king in a foray on the incalculable wealth of England, than to continue a struggle with him for the doubtful prizes of his barren and intractable Scotland. But his disputes with his subjects survived his dangers from them. What tamed the laity, had made more furious the clergy; who already, in no distant vision, saw their sovereign seated on the English throne surrounded by the pomps of prelacy, and armed newly with engines of oppression against themselves. Never was Kirk so rebellious, in flaming up, synod after synod, against the sovereign's unprinceliness and ungodliness; and never was King so abusive, in protesting before the great God that highland caterans and border thieves were not such liars and perjurers as these "puritan pests in the "church." He was in the thickest fury of the contention when the sycophants who had bribed Elizabeth's waiting-woman for earliest tidings of her last breath, hurried headlong into Scotland to salute him English king. Quieting, then, some ill-temper of his wife's by shrewdly bidding her think of nothing but thanking God for the peaceable possession they had got, James set out upon his journey southward on the 5th of April, 1603.

It was indeed something to be thankful for, that peaceable possession of the land to which his very progress was a sort of popular triumph. Doubly wonderful had Kings grown to us, says old Stowe, so long had we, fifty years or more, been under Queens. Racing against each other as for life or death, rushed statesmen and courtiers,

lawyers, doctors, and clergy, civic corporations, mayoralties, officialities of every description and kind, all classes and conditions of public men—eager to be shone upon by the new-risen sun. And surely never from stranger luminary darted beams of hope or promise upon expectant courtiers.

The son of a most unhappy mother, by a miserable marriage, and even before birth struck by the terror of the murder of Rizzio, James was born a coward, and through life could never bear even the sight of a drawn sword. He was of middle stature, and had a tendency to corpulence, which the fashion of his dress greatly exaggerated. He had a red complexion and sandy hair, and a skin softer, it was said, than taffeta sarsenet, because he never thoroughly washed, but only rubbed himself slightly with the wet end of a napkin. His sanguine face had little or no growth of beard; and his large eye rolled about unceasingly with such suspicious vigilance, that it put fairly out of countenance all but the most experienced courtiers. He had a big head, but a mouth too small for his tongue, so that he not only slobbered his words when he talked, but drank as if he were eating his drink, which leaked out on either side again into the cup. His clothes formed a woollen rampart around him, his breeches being in large plaits and full stuffed, and his doublets quilted for stiletto proof; and so weak and ricketty were his legs that his steps were circles, and he was well-nigh helpless when he would walk alone. "He likes," says the astonished chaplain of the Venetian embassy, "in walking, "to be supported under the arms by his chief favourites." It was in truth a necessity, as the favourites were. His body had as little in itself to sustain it, as his mind. Both shuffled on by circular movements, and both had need of supports from without.

But if the time has now come in England for any serious conflict between the Subject and the Crown, where any longer is that fence or barrier to the monarchy which the personal qualities and bearing of English

sovereigns have heretofore thrown up; and which in past years, even when its privileges were most onerous, has been no inconsiderable protection to it? This clumsy, uncouth, shambling figure, with its goggle eyes, shuffling legs, and slobbering tongue, confounded even an eager congregation of courtiers; and by the time it reached London, a witness not prejudiced takes upon himself to avouch, "the admiration of the intelligent world was "turned into contempt."

Up to the close of the journey, nevertheless, the contempt had been decently disguised. At Newcastle and York, magnificent civic entertainments awaited his Majesty. With splendour not less profuse, Sir Robert Cary received him at Widdrington, the Bishop of Durham at Durham, Sir Edward Stanhope at Grimston, Lord Shrewsbury at Worksop, Lord Cumberland at Belvoir Castle, Sir John Harrington at Exton, the Lord Burghley at Burghley, and Sir Thomas Sadler at Standen. With princely hospitality, Sir Oliver Cromwell regaled him at Hinchinbrook; and there may the sturdy little nephew and namesake of Sir Oliver have received his first impression of a king, and of the something less than divinity that hedged him round. At Broxbourne, too, where Sir Henry Cox had provided noble entertainment, greeting as memorable was in store for him; for here the greatest man then living in this universe, save only one, waited to offer him homage. "Methinks," said Francis Bacon after the interview, "his Majesty rather asks counsel of the time past than of "the time to come;" and closing up against the time to come his own prophetic vision, that wonderful genius took his employment in the service of the time past. Nearer and nearer London, meanwhile, the throng swelled more and more; and on came the King, hunting daily as he came, incessantly feasting and drinking, creating knights by the score, and everywhere receiving worship as the fountain of honour. Visions of levelling clergy and factious nobles, which had haunted him his whole life long, now passed for ever from him. He turned to his Scotch followers,

and told them they had at last arrived in the land of promise.

But he had yet to see the most important man in this promised land. He was waiting the royal advent at his seat of Theobalds, within a few miles of London, on the 3rd of May: and strange must have been the first meeting, at the gate of that splendid mansion, between the broad, shambling, shuffling, grotesque monarch, and the small, keen, crook-backed, capable minister; between the son of Mary Queen of Scots, and the son of her chief executioner. We are not left to doubt the nature of the impression made upon Cecil. During the years he afterwards passed in James's service, he withdrew as far as possible from the control he might have claimed to exercise, and the responsibility he must have assumed, over the home administration, and did his best, to the extent of his means, by a sagacious policy abroad, to keep England still respected and feared in her place amid foreign nations. No one served the King so ably, or, there is reason to believe, despised him so much. In her latter years, Elizabeth had exacted of her ministers that they should address her kneeling, and some one congratulated Cecil that those degrading conditions were passed away. "Would to God," he replied, "I yet spake upon my "knees!"

On the death of Cecil, in the tenth year of the reign, James found himself first free to indulge, unchecked, his lusts of favouritism. Though already the Ramsays, Humes, and Marrs, had contrived to fatten themselves upon him, it is not until Cecil has passed away that we get full sight of the Somersets and Buckinghams. Robert Car was a poor but handsome young Scot, younger son of one of the small lairds of Teviotdale, straight-limbed, well-favoured, strong-shouldered, and smooth-faced, when the King's eye fell upon him. Within a few weeks he was created Knight, Lord-treasurer, Viscount, Knight of the Garter, and Earl; and everywhere about the Court, according to Lord Thomas Howard, the King was to be

seen leaning upon him, pinching his cheek, smoothing his ruffled garment, and, while directing his discourse to others, looking still at him. He attended him at his rooms in illness, taught him Latin, beggared the best to enrich him; and, when the wife of Raleigh knelt at his feet to implore him not to make destitute the hero he had imprisoned, spurned her from him with the words, "I "mun .ha' the land! I mun 'ha' it for Car." Even on the eve of Car's conviction as a murderer, when master and favourite were parting for ever, the King is described, by one who was present, to have hung lolling about his neck, slobbering his cheeks with kisses; and not murder itself had power altogether to unloose the bonds between them. The life of the attainted poisoner of Overbury was spared; and he received no less a pension than 4000*l.* a year, when his offices were transferred to a successor certainly better entitled to favour than himself, but whose rise had been hardly more honourable. Never any man, exclaims Clarendon of George Villiers, in any age, or in any country or nation, rose in so short a time to so much greatness of honour, fame, or fortune, upon no other advantage or recommendation than of the beauty and gracefulness of his person. Nor was it in a less degree the amazement of the grave signors and ambassadors of Venice, when received at a court masque, to see the prime minister Buckingham, for the delectation of the King, cut a score of lofty and very minute capers, and the King, for the reward of his prime minister, pat him on both cheeks with an extraordinary affection.

Such entertainment had of course little to recommend it to Italian visitors, who seem rightly to have judged, of all the ordinary actors in it, that not only were they odious and profligate, but in some sense or other despicable. The likings of James's court were indeed those of Comus and his crew; and even the genius it engaged in its service, it degraded to that level. Nakedly to indulge every gross propensity, became the daily pursuit and highest qualification of all admitted to its precincts. The circle that

surrounded Elizabeth had been no very exact model of decency; but there was strength of understanding in the Queen, and it constrained the vices of those around her, as it veiled her own. When James became chief of the revels, this check passed wholly away. Everything was in wasteful excess; and in the foul corruption which alone could satisfy it, the men were not more eagerly engaged than the women, who drank also freely as they, and played as deep. Lady Glenham took a bribe of a hundred pounds for some dishonourable work to be done by her father; and even the King's cousin, poor Arabella Stuart, intrigued to get one of her uncles a peerage, for a certain sum to be paid to herself. The dead Queen had gradually disused, and at last strictly prohibited, the brutal sports of the cockpit; but her successor revived, and at least twice every week took part in them. Daily, from morning until evening in the chase, the bear-garden, or the cock-pit, and from evening until night in gross sensual pleasures, the Court passed its life; and to what extent such life took precedence of every other, may be partly measured by the fact that the fee of the master of the cocks exceeded the united salaries of two secretaries of state. The second year of the reign had not passed, when Cecil had to write to Lord Shrewsbury that the expense of the royal household, which till then had not exceeded thirty thousand a year, had risen to a hundred thousand; "and now think," added the minister of Elizabeth, "what the Country feels; "and so much for that." In the seventh year of the reign, the surplus of outlay above revenue continued, and, according to the then value of money, James's debts were half a million; or at our present value, something more than a million and a half. The shame of his necessities became flagrant. His treasurer, Buckhurst, was seized in the street for wages due to his servants; the very purveyors stopped the supply to his table; and some years afterwards, when the embassy from Venice came to London, such wants of the royal household were still common talk. They went on further increasing. The

hungry and numerous family of the favourite had to be provided for as well as himself, and of all the favourites none had been so profuse as Buckingham. As yet among rare luxuries was the coach, unheard of till the preceding reign, and then with but two horses only; but the prime minister, to the general amazement of men, drove six, and even eight horses. Hard would it be to say which was most degrading, the extremity of the waste, or the desperation of the means of meeting it. Benevolences were tried, and exorbitant fines were imposed by the Star Chamber on those who resisted them or who counselled resistance. Impositions by prerogative were laid in every form, and were backed by suborned and scandalous decisions in the courts. Patents were granted on all sides to greedy projectors, creating monopolies the most intolerable, and eating the very life out of trade. Fees had been got from knighthood, till nobody more would be knighted; and Lord Bacon, at even *his* wits' end, suggested knighthood with some new difference and precedence. Hereupon baronetcies were thought of; and being offered for a thousand pounds each to any who consented to be purchasers, for a time they made the King richer by some hundred thousand pounds. This new branch of industry turning out so well, the peerage had been next put up to sale, and not less openly. For five thousand pounds a man became a baron; for twenty thousand, an earl; and, if Mr. John Hampden, of Great Hampden in Bucks, had not preferred a less perishable title, his mother would have given ten thousand pounds to make a viscount of him.

Yet even decent and respectable were the scenes of extravagance and riot which so marked the Court of the first of our Stuart kings, when compared with those more detestable exhibitions in which its chief actor claimed to be regarded as furnished forth with sparkles of divinity, and the lieutenant and vicegerent of God. He had written a treatise to prove that inasmuch as Monarchy was the true pattern of the Godhead, it could in no respect be bound to the law; for as it was atheism and blasphemy

to dispute what God could do, so it was presumption and high contempt to dispute what a King could do, or say that a King could not do this or that: and an unimpeachable witness, who was present at the Hampton Court Conference, has shown with what peculiar emphasis, upon occasion, he could adorn and recommend these principles by his graces of speech. At that conference he affected to sit in judgment as moderator between the High Church Party and the Puritans; and it was after having heard the high churchmen at great length, and with much graciousness, that he interposed with scurrilous abuse as soon as the Puritans began to speak. He "bid them awaie with "their snivellinge; moreover, he wished those who would "take away the surplice might want linen for their own "breech. The bishops," it is added naively, "seemed "much pleased, and said his majestie spake by the power "of inspiration." One of the bishops present, indeed, Bancroft of London, flung himself on his knees, and protested his heart melted for joy "that almighty God "had, in his singular mercy, given them such a King as "had not been seen since Christ's time." Chancellor Ellesmere cried out that for his part he had now seen what he had never hoped to see, King and Priest united fully in one person; and Archbishop Whitgift asseverated that his Majesty spoke by the Spirit of God. "I wist "not what they mean," adds the reporter of the conference, "but the spirit was rather foul-mouthed." And it was cruel. Impelled and sustained by such blasphemy, the next character in which this deified Scotch pedant presented himself was that of burner of two Unitarian ministers, Bartholomew Legat and Edward Wrightman, who perished by the stake at Smithfield; of torturer and murderer of the white-haired old puritan Peachem; and of persecutor to the death of the Dutch reformer Vorstius, against whose wise and tolerant views he penned that memorable declaration, which was inscribed to "our Lord "and Saviour Jesus Christ by his most humble and most "obliged servant James." In the presence of such acts

and utterances, it is barely an act of justice to the memory of their perpetrator to say that sins of this complexion were only half expiated by the blood of his unhappy son. The records of civilised life offer no other instance of such pretensions amid a society of rational men. We have to turn for a parallel to the pestilential swamps of Africa, where one of those prodigious princes whom we bribe with rum and trinkets to assist us in suppressing the slave trade, announced not long ago to an English officer, "God made "me after His image: I am all the same as God: and He "appointed me a King." This was James I's creed precisely; and after delivering it to his subjects in words exactly similar, he might be publicly seen of them, as Harrington describes him at a masque given by Cecil, "wallowing in beastly delights."

It will suffice perhaps if I simply add to all this the opinion of their ruler which was meanwhile becoming generally prevalent among the English people. An intelligent foreigner will describe it for us. "Consider "for pity's sake," says M. de Beamont in one of his despatches, "what must be the state and condition of "a prince, whom the preachers publicly from the pulpit "assail; whom the comedians of the metropolis covertly "bring upon the stage; whose wife attends those repre- "sentations in order to enjoy the laugh against her "husband; whom the Parliament braves and despises; "and who is universally hated by the whole people." The Frenchman's great master, Henri Quatre, shortly before he fell by the hand of an assassin, had spoken of the effects of such contempt when directed against the person of a Sovereign, as marvellous and horrible: and in this case marvellous and horrible were they destined to prove also, *in the second generation*.

THE CIVIL WARS AND OLIVER CROMWELL.[1]

Histoire de la République d'Angleterre et de Cromwell. Par M. GUIZOT.

Richard Cromwell. Par M. GUIZOT.

History of Oliver Cromwell and the English Commonwealth. By M. GUIZOT. Translated from the French.

The Story of Corfe Castle, collected from ancient Chronicles and Records; also from the private Memoirs of a family resident there in the time of the Civil Wars. By the Right Hon. GEORGE BANKES, M.P. for the county of Dorset.

THE volume by the member for the county of Dorset illustrates the private memoirs of an English family in the time of the civil wars. The more important work by the great French statesman presents that portion of our history which succeeded to the civil wars, and for a time embodied their results. But what we have to say of M. Guizot's book and its hero, we are not sorry to have the opportunity of prefacing by some remarks upon the actors in the preceding struggle; and so much of what the English memorialist relates of those earlier stages of the conflict requires correction, that we could offer perhaps no introduction so appropriate to such celebration of its later scenes as will invite our criticism in the French historian.

From an address prefixed to Mr. Bankes's book we learn its origin. It appears that in the borough and neighbourhood of Corfe Castle there is a society established for purposes of mutual improvement; that Mr. Bankes is its patron: and that in compliance with the

[1] From the *Edinburgh Review*, January 1856. With additions.

wish of its members to have subjects suggested for lecture and discussion, he was induced to gather together as materials for such a purpose, "from rare books and "original family papers," a volume full of historical facts relating to persons who at former times have inhabited or possessed the castle which gives its name to the district. He adds that his collections refer especially to a period of history wherein their particular neighbourhood was much concerned, and the interest of which will not soon pass away.

Mr. Bankes so speaks of the civil wars of the seventeenth century, and most truly. They have an interest which still concerns not only particular neighbourhoods, but every particular family and fireside in the kingdom; for under Heaven we owe it mainly to them that all English homes are now protected and secure. The result has answered to their origin. They began in no sordid encounter of selfishness or faction, they involved no vulgar disputes of family or territory, and personal enmities formed no necessary part of them. They were a war, as one of their leaders said, without an enemy. In the principles they put to issue we continue ourselves to be not less interested than were our forefathers; and hardly a question of government has arisen since, affecting human liberty or the national welfare, which has not included a reference to this great conflict, and some appeal to the precedents it established. Nothing can be unimportant that relates to it, therefore, nor any service small that may clear up a doubt of the motives and conduct of its leaders; and if these, as the winter evenings have again arrived, should again be discussed in the Corfe Castle or any other improvement society, such hints as we are now about to offer will not be without their use.

We do not object to Mr. Bankes that he shows throughout his book a leaning to the Royalist party; for, believing that justice remained with the Parliament, we think not the less that high and noble qualities were

engaged on the side of the King. His error is in supposing that the latter may not be admitted without discredit and doubt of the former. Our study of the period has led us to other conclusions, some of which, in the same spirit which leads him to address his friends in Dorsetshire, we would address to himself. As he truly says of the society to which he is patron, the humblest who are industrious in their callings can always teach something, and the highest in attainments have much to learn. We must do our best for each other. When the wished-for Millennium shall at last arrive, it will doubtless form the whole human race into a society for purposes of mutual improvement.

The ancestor who connects with the most striking period of English history Mr. Bankes's family associations, was Sir John Bankes, Attorney-General to Charles I, and Chief Justice of the Common Pleas. The part allotted him on that great stage, however, was in reality a very small one, though he played it creditably. He was a respectable lawyer of honest intentions and very limited views, who interfered occasionally with good effect to moderate both parties, until both became committed to extremes; but when the sword flashed out as arbitrator, he turned aside helpless and useless, and, dying while yet the victory neither way inclined, he seems to have died in the persuasion that the disfavour of Heaven must fall heavily on both, and that both would be deserving of overthrow. However unfitted to its occasions, there was much of course to be said for a temper such as this. In itself a disposition kindly and pleasing, at any other time than one of necessary conflict it might have done even useful public service. The descendant of Sir John Bankes was quite entitled to refer to him, therefore, as in all respects a favourable specimen of a lawyer in that age; but we must think it less discreet in the panegyrist to have contrasted his alleged upright ascent to worldly rank, with what he calls the "unseemly intrigues and "courtly struggles" by which Sir Edward Coke clambered

thither. Allusions not strictly untrue may yet convey an impression singularly false. Whatever his former failings may have been, to the student of our Civil Wars the Lord Chief Justice Coke presents himself in one aspect only. So far, his age redeems his youth and his manhood. It was he who gave to the opening of the struggle that stamp of ancient precedent and legal right, of which it never afterwards, in all its varying fortunes, lost the trace; and, in the presence of any attempt to compare such a man disadvantageously with one immeasurably his inferior, we are obliged to remember that while, in the Petition of Right, Sir Edward Coke has left a monument of his exertions for English liberty as imperishable as that which the Institutes contain of his knowledge of English law, Sir John Bankes has left no more durable record of either than an elaborate argument against Hampden in the case of ship-money.

Mr. Bankes is much enamoured of the character of Strafford, an illustrious client and occasional correspondent, or, as he prefers to style him, "the honoured "friend," of his ancestor. He appears not to know that on a solemn reference to the Judges for their opinion on certain charges in the Impeachment of that statesman which the Lords had voted to be proved, Sir John Bankes formed no exception to the unanimous judgment which declared the charges to amount to treason. Widely differing on this point from his ancestor, Mr. Bankes can see nothing in his ancestor's "honoured friend" but a good financier and a great statesman. He does not seem to be aware how very possible it is for a good financier to be a bad statesman. There can be no doubt that Strafford's whole system, material and moral, was tried in advantageous circumstances in Ireland, and proved to be a sheer failure,—neither more nor less. Without overthrowing the public liberties, indeed, it could not have succeeded; because it was an attempt to establish the royal prerogative above them. Nevertheless it also included much that had no unpopular aspect, for it was the design of a man

of courage and genius. Every petty oligarchy would have been reduced by it to subjection before the monarchy, and it would have struck down all the tyrannies but its own. The mere forms of parliament would universally have been respected and retained by Strafford, because he knew that despotism has no such efficient ally as parliaments deprived of parliamentary power. While he made the Irish customs more profitable by four times their annual amount, he would so have employed this enormous increase as again and again to multiply itself, through enlarged resources of commerce and trade. While he established vast monopolies for the Crown, he would have abolished private monopolies that had simply gorged its servants. And in the very act of imposing taxes arbitrarily, and levying them by military force, he fell with so heavy a hand on wrongdoers of high rank, as made the oppressed commonalty grudge less what they, too, had to endure. But it was of the very essence of this design, comprehensive as it was, that the good it might have wrought should perish by the evil it could not but inflict. The sword he had provided for safety turned and broke in his hand. A too vast ambition, joined with a too narrow aim, destroyed him. And his Irish administration is now chiefly memorable, not for the revenues and resources it so largely developed and his master as miserably wasted; not for the linen trade it established, which struck root and has saved the land; but because it has shown, by one of the greatest examples on record, of what small account is the statesmanship most successful in providing for material wants, which yet refuses to recognise the moral necessities of the people it assumes to govern.

Mr. Bankes objects to only one of Strafford's Irish measures; and he so puts his objection as to imply that, if Strafford deserved to suffer penalties of treason for it, not the less have several of the most favoured statesmen of our own day exposed themselves to the same well-merited fate. "A measure," he says, "very lately adopted

" by the Imperial Parliament for the relief of Ireland, " called the Encumbered Estates' Act, was one of " Strafford's plans. Nothing could be more arbitrary in " principle—more opposite to every recognised rule of " established law; nothing more unfit for adoption, unless " the plea of necessity were admitted as decisive in its " favour; and, if success attends this measure, Strafford's " memory may stand relieved from at least a portion of " the obloquy which has been heaped upon him." We are sorry to say that this is a very loose and idle way of dealing with the grave questions of English history, and likely to prove sadly misleading to the members of the mutual improvement society at Corfe Castle.

First, let us state briefly what the Irish Encumbered Estates' Act really was. It would, of course, be quite permissible to say that a single person might justly be held a traitor for taking it upon his own authority to do, what yet it would be perfectly right that Queen, Lords, and Commons should agree and unite to do. But we prefer to show that Mr. Bankes's comparison is absolutely as well as relatively false; that there is not the remotest analogy or resemblance between the things compared; that the act done with authority is as good, as the act was bad which was done without authority; and that so much ignorance of what was really implied in an important legislative measure, is hardly pardonable in one who is himself a legislator. An Act to relieve the encumbered estates of Ireland, by facilitating their sale when desired by owner or encumbrancer, had become a necessity. Nearly all the southern and western Irish counties were hopelessly insolvent. Around the wreck of what once was property, clung such a frightful accumulation of mortgagors, mortgagees, and settled annuitants, that, but for a timely hand stretched out to save, all must have gone to the bottom, with their dependent tenants and labourers. A plague itself could not more surely have struck the land with barrenness. Capital fled affrighted from the place, while labour starved; and, whether the landlord

owed most to his creditor, or the tenant to his landlord, or both landlord and tenant to the Government which was supporting them on the toils and taxes of the English people, it would have been hard to say. In this intolerable crisis it was that Parliament stepped forward and said, We will appoint three commissioners as trustees for the sale of these encumbered estates. They shall have power, for this purpose, to supersede the slow and dilatory action of the Irish Chancery. The purchaser shall be protected, by receiving under their conveyance an indefeasible title. The encumbrancer and the owner shall have the guarantee of a strict application of the purchase-money in discharge of encumbrances, and in distribution of the residue to those legally entitled. By these means we hope to substitute a real for a nominal proprietary. Our object, in brief, is to take Ireland bodily out of chancery; and to enable the funds at present squandered in costly delays, in receivers' fees, and in the extortions as well as obstructions of the masters' offices, to be in future more legitimately employed on the cultivation of the soil, and the support and improvement of the people. Such was the Encumbered Estates' Act, and such hitherto has been its beneficial operation. No single legislative measure in our time has done so much to regenerate a country.

And now let us attempt to describe, with equal brevity, what Mr. Bankes declares to have been its original or prototype in Strafford's Irish administration. The immediate drift of the whole of that statesman's policy, as every well-informed student of English history knows, was to raise money for Charles's wants in England. Through and beyond all his measures, he looked, as he expresses it over and over again in his dispatches, "to "raise a good revenue to the Crown;" and one scheme above all others presenting itself as well suited to this purpose, he dashed into it with that overbearing energy of will, which had afterwards upon his own destiny so fatal a recoil. It was a plan for increasing the royal demesnes by ferreting out so-called defective titles. The

court lawyers were eager and ready with proof that the entire province of Connaught had fallen at some distant period to the Crown, on the forfeiture of its Irish chieftain; and though it was not denied that, by a series of formal patents from the sovereign, all this property had since been granted away and passed into the hands of different owners, yet so informal in almost every instance had the royal grants been, that little doubt could be entertained of the due discovery of a rich crop of flaws and quibbles on which to found legal proceedings for recovery. A more scrupulous man than Strafford would have been deterred by the failure of a former attempt in James's reign, thus to beggar and dispossess, on such obsolete pretensions, a fourth part of the proprietors of Ireland. A juster man would have desisted, on being told that the result of that failure was the formal promulgation subsequently, by James's successor, Charles himself, of certain royal *graces* expressly recognising and confirming the validity of the titles in dispute. But considerations of this kind never stood in Strafford's way. He went straight to his object without regard to consequences, when his mind was once made up that the object must be achieved. "Go it as it shall please God with me," he wrote to Laud, "I will still be thorough and throughout, "one and the same! less than thorough will not over-"come it." He impanelled juries in the several counties, under penalty of heavy fines; forced them, by gross intimidation, into verdicts favourable to the Crown; fined one sheriff 1000*l.* for having chosen an ill-affected jury; mulcted each recusant juror separately in the more ruinous exaction of four times that amount; staked the "*peril of his head*" upon the issue; and mainly by the intemperate passion into which these transactions betrayed him against all who resisted, provoked the majority of three nations to claim that terrible forfeit.

To its payment, at least under process of Attainder, Mr. Bankes says that even Hampden objected. It may have been so, but no authority has yet been publicly

produced which would warrant any historian in saying it. The supposed authority is a speech of Hampden's in Sir Ralph Verney's *Notes*, on the question of whether the Commons should attend the upper house to hear Strafford's counsel on the matter of law. Ever since this note was discovered, the point has been somewhat hotly debated of how far Hampden's position with his friends, in regard to the Bill of Attainder, must be held to have been affected by it; and the preponderating opinion has been, that he opposed the proceeding by bill. But the real truth is, that the resolution to which Verney's note relates, was upon a question in no respect vital to the Bill of Attainder. Culpeper voted with St. John against it, Sir Benjamin Rudyard joining with Lord Digby for it; and Hampden, in voting as he is supposed to have done, would have separated himself quite as much from the Hyde and Culpeper party as from the friends with whom he invariably acted. Up to this point, indeed, there is no ground for supposing that any grave dispute or dissension had really arisen in the lower house as to the course to be pursued against Strafford. As yet he had few friends there. And it is entirely a misapprehension to argue as though the alternatives were raised by the point now under discussion, either to hear Strafford's counsel at the bar, *or* to proceed with the bill; and for this plain reason, that both were ultimately done. Hampden's opinion and vote prevailed, and the Bill of Attainder nevertheless proceeded.

Against it, not more successfully, Mr. Bankes enlists another celebrated popular name. "Denzil Holles," he says, "would take no share in it;" but he forgets to tell his readers that Denzil Holles was Strafford's brother-in-law, and that this fact must be assumed to have influenced him a little. Holles was, indeed, named one of the first committee of six selected to prepare the charge; but on the day after he was so named, he was at his own request spared out of that committee, and Mr. Grimston was put in his place. Most bent is Mr. Bankes on proving, however, that Edward Hyde, of all men, could have had no

possible complicity with it. Unfortunately, he grounds the opinion on no authority better than Hyde's own; holding that if he had not objected, his language to Lord Essex, set down in his own memoirs, would involve an incredible inconsistency. Mr. Bankes appears not to know that the entire conduct of Hyde at this period is now proved to have been an inconsistency (to use no stronger word), as deliberately as it was elaborately planned, and carried out with a view to the uses to be made of it towards the service of the King. When he declined to take office with Culpeper and Falkland, it was because "he should be able to do much more service in the "condition he was in, than he should be if that were "improved by any preferment." In other words, he stayed as an independent member among the patriots to make the better royalist use of his knowledge of their plans. Even in his own history, he does not scruple to say as much, though not till a few years ago did his editors find courage to print it. It stands there now, a shameless avowal, on the same page which perpetuates his fame. When he had himself assented to a particular state paper issued by the House of Commons, he does not hesitate to inform us that the answer, issued some days later by the King, was copied from a draft prepared and privately forwarded by himself; and when, in grand committee on the bill against episcopacy, he was chosen chairman, he expressly tells us that he used the advantage it gave him to "ensnare" and "perplex" the advocates of the measure. Somewhat earlier, it may not here be out of place to add, he had sat also as chairman of a committee to hear witnesses in support of certain complaints brought before the House, on which occasion he seems to have found it extremely difficult to ensnare or perplex a particular member who sat with him. This was a gentleman whom he had "never before" heard speak in the House of Commons, but whose whole carriage in the committee was so tempestuous, and his behaviour so insolent, that really Mr. Hyde found himself

under the necessity of reprehending him. A rebuke which nevertheless appears to have had small effect on the honourable member, who "in great fury reproached the "chairman for being partial;" which, having regard to the confession just made in a precisely similar case, we are disposed to think that the chairman decidedly may have been. The honourable member who came so tempestuously on this occasion between the witnesses ("who "were a very rude kind of people") and Mr. Hyde's sense of decorum, was Mr. Cromwell, lately returned for the town of Cambridge.

Altogether, we think Mr. Bankes will have to re-study and revise his character of Clarendon. He is moved with horror at what he calls the revolutionary, the "fatal" act, for perpetuation of the Parliament; yet for that act Hyde deliberately voted. He objects to the celebrated Protestation brought forward at the time by Pym, and which had such a singular effect in exciting the people; yet seems not to be aware that the second name affixed to it was that of Edward Hyde. He (very inconsiderately we must say) compares to Robespierre's Reign of Terror, the excitements and "pretended" plots that forced on the execution of Strafford; yet the man who carried up to the House of Lords the first message as to the army plot which precipitated the execution, was no other than Edward Hyde. Its resolute promoter to the last, by speeches as well as votes, was Falkland, Hyde's dearest friend. Culpeper, his other confidential and intimate ally, supported most eagerly every step that led to it. The last thing his associate Lord Capel recalled, as he laid his own head down upon the scaffold raised by Cromwell, was his vote in favour of it. And Hyde himself was the man who exposed and defeated the last desperate attempt of Strafford's personal friends, by means of an escape from the Tower, to avert what Clarendon had afterwards the face to call Strafford's "miserable and never to be enough "lamented ruin."

The entire history of that period of Strafford's trial, in

short, and of all the proceedings connected with the Bill of his Attainder, remains to be written; and even since the foregoing remarks were first printed, we have made discoveries relating to it of sufficient importance to justify a future attempt to render more complete the existing records of the life and death of that remarkable man. At present we restrict ourselves to a new piece of evidence of singular interest, drawn from the manuscript journal of Sir Simonds D'Ewes, which, while it thoroughly bears out the general tenour of what we have said as to the men who most eagerly supported Strafford's attainder, somewhat startlingly disposes of our special surmise as to the improbability of Hampden's[1] having opposed it. In a former Essay[2] we have referred to this discovery, reserving a more particular description of it for this place; and from that description we now exclude all argument and detail more proper to be dealt with on a different occasion. We confine it strictly to what is necessary to set at rest, once

[1] The remarks now made are the result of research subsequent to the date when this Essay was first written; and I may here take the opportunity of observing, that, out of the many who have variously commented on that very obscure note by Sir Ralph Verney of a speech of Hampden's on the Attainder, which has hitherto comprised all the known evidence wherefrom an opinion was to be drawn as to his course respecting it, to Lord Macaulay alone must be given the praise of having construed it with singular correctness. "The opinion of Hampden," he remarks (*Essays*, i. 209) "as far as "it can be collected from a very "obscure note of one of his speeches, "seems to have been that the "proceeding by Bill was unnecessary, and that it would be a "better course to obtain judgment "on the Impeachment." It now appears, as the reader will find from my text, that such exactly was Pym's opinion, in which Hampden implicitly followed him. I had myself been disposed to think that the note settled nothing conclusively, except the fact of his desiring that Strafford's counsel should be heard; both because it contained no opinion *adverse* to the Attainder, and also because, believing Pym to have originated that Bill, I found it difficult to imagine that in such a proceeding Hampden could have separated himself from the friend with whom, through the whole course of these eventful times, he certainly had no other known difference. It had occurred to no one as within reasonable probability that Pym himself might also, upon the mere ground of policy, have opposed the Attainder; which now proves to have been the case. The exact words of Verney's note are subjoined. "HAMPDEN. "The bill now pending doth not tie "us to goe by bill. Our councill "hath been heard; *ergo*, in justice, "we must hear his. Noe more pre-"judice to goe to hear councill to "matter of law, than 'twas to hear "councill to matter of fact."

[2] See *ante*, p. 8 and 9.

and for ever, such personal statements and charges connected with the Attainder as have been variously disputed and long contested by historians; and to apportion with some degree of correctness, at last, the responsibilities of blame and praise incurred by the men who abandoned the way of Impeachment they had themselves originated, in order to proceed by Bill.

That mode of procedure, it seems, had been canvassed at the opening of the session; and having been strongly advocated by St. John, Glyn, and Maynard, a bill was actually prepared. But Pym and Hampden were so bent the other way, and so convinced that their proofs would establish the charge of treason under the statute of Edward, that the impeachment went on. Nor in this belief did they ever waver for an instant. Up to the close of the proceedings on the trial, they had an invincible persuasion that in the several hearings before the upper house both the facts and the law had been established; and when the sitting of the thirteenth day, Saturday the 10th of April, closed abruptly in violent dissatisfaction at a decision of the peers, allowing Strafford to reopen the evidence on other articles provided the demand of the Commons to give additional proofs of the twenty-third article were conceded, they returned to their house, not to throw up the impeachment, but to prepare the heads of a conference with the Lords for settlement of such matters of difference as had arisen. But with them returned a more discontented section, numbering among its members not only such men as Haselrig and Henry Marten, Oliver St. John and Glyn, but also a group comprised of Falkland, Culpeper, the Hothams, Tomkins (member for Weobly), and others, all of whom afterwards either openly embraced the cause of the King, or secretly conspired to further it. And by these men it was that the project of proceeding by Bill, formerly laid aside, was now suddenly revived and pressed. "Divers," says D'Ewes, "spake "whether we should proceed by way of Bill of Attainder, "or as we had begun; but most inclined that we should

".go by Bill." The principal opponents were Pym and Hampden.

The additional evidence sought to be given before the Lords upon the twenty-third article was that copy of the Notes taken at the Council Board by the elder Vane on the day of the dissolution of the Short Parliament, which had been abstracted from his cabinet by the younger Vane, and by him given to Pym, who had founded the twenty-third article upon them. They were publicly read for the first time, after the tumultuous return of the Commons to their own house on that Saturday afternoon; and from them it appeared, not only that Strafford had given the King such traitorous advice as the article in question charged him with (that having been denied supply by his parliament he was absolved and loose from all rule of government, and that he had an army in Ireland which he might employ to reduce "this kingdom" to obedience), but that Laud and Lord Cottington also had taken part in the dangerous counsel. Amid the excitement consequent thereon, the Bill of Attainder was produced; and the proposal by which it was met on the part of those who objected to its introduction, was that a narrative of the circumstances attending the discovery and production of Vane's important Notes of Council should be drawn up and submitted to the Lords at a conference; and that if, upon deliberation, the Lords decided not to receive it except upon condition of permitting the accused to reopen the evidence upon other articles, then that it should be waived, and immediate steps taken to sum up the case on both sides, and demand judgment. Any other course, they argued, would involve not only the certainty of delay, but a strong probability of disagreement with the House of Lords. So decided was the feeling for the Bill, however, that for once these great leaders were outvoted, and it was introduced and read a first time; a suggestion of Hampden's, for resuming at Monday's sitting the preparation of heads for a conference with the upper house, being at the same time assented to.

What occurred in the latter part of this Monday's sitting (the early part was occupied by the speeches of Pym and young Vane in reference to the Minutes of Council, and by the examination of the elder Vane's secretary as to their abstraction from his cabinet), the reader who turns to the facsimile given at the close of this volume may study from D'Ewes's blotted record, taken down while yet the sitting went on, and while the men named in it were busy talking and writing around him. He will probably, however, elect to avail himself of the labour we have ourselves already given to the task of decyphering it, and prefer to read it in the plain print subjoined. The report is of the roughest kind, as will be observed; passing abruptly from one point to another without explanation, and leaving upon record things subsequently laid aside. But its evidence is decisive as to the personal matters for which alone it is here introduced; and never more can be raised the question, so long and eagerly debated, of whether or not Hampden quitted Pym's side during the discussion of the Bill of Attainder, and temporarily joined with the party whom he afterwards very determinedly opposed. Upon this, as upon every other great incident of the time, the two friends held their course together, from first to last. It must be kept ever in view, however, that they did not oppose the introduction of the Bill of Attainder as having any doubt either of Strafford's guilt, or of the sufficiency of the proofs against him. They opposed it for the express reason that they held the proofs already placed before the Lords *to be* sufficient; and their subsequent assent to it, when the majority finally determined on that course, involved no inconsistency.

"Mr. Pymme shewed that the Committee appointed
" for the managing of the Evidence agst the Earle of
" Strafford had prepared certaine heads for a conference
" with the Lords.

" Mr. Maynard begann where Mr. Pymme ended & furth
" [further] shewed that wee were to desire a conference.

" 1. A Narrative of the evidence concerning the triall

" against the Earle of Strafford, for which evidence
" wee had two members of the house readie to bee
" deposed & for w^ch^ the Committee advized with
" the house & intended to have presented the same
" to their Lor^pps^ on Saturday last.

" 2. The house having taken consideration thereof doe
" conceive it verie materiall: yet in regard of the
" danger & distraction of the kingdome being verie
" great & will admit noe delay, they are resolved
" to come to a generall replie & to waive the said
" evidence, if the Lords shall not permitt it to bee
" examined unlesse the Earle of Strafford [have]
" libertie to examine witnesses to other Articles;
" w^ch^ the house doth doe to avoid delay, whch is
" now of extreame dangerous consequence.

" 3. Others confederated. Archb^p^ & Lord Cottington are
" discovered: when motion to bring in Irish armie was
" made by Earle of Strafford—by this paper will
" appeare, if their Lor^pps^ will have the paper read."

At this point, as will be seen in the facsimile, D'Ewes puts a note in the margin, respecting that third head of the proposed conference to which the preceding not very clear sentences, and the two following not much more luminous paragraphs, relate.

" This 3d head. thus penned was rejected, and a new
" one brought in.

" Desire the L^ds^ to joine with us to prevent danger:
" which might ensue upon such counsels.

" Those Councellors removed.

" 3. That upon occasion of discoverie of this evidence
" a paper was read in the house by w^ch^ it appeared
" that at the same time when the Earle of Strafford
" gave that dangerous counsell of bringing in the
" Irish armie into England others were present,
" deciphered by these letters Arch. & L. Cott. whome
" wee conceive Lord Arch. & L. Cott. verie full
" of pernicious counsell to the King & slanders to the
" Commons house assembled in the last Parliament.

" Mr. Hotham moved to have the bill of the Earle of " Strafford's attainder read.

" Mr. Pymme would not have the bill read, but to goe " the other way: because this is the safer, to shew that " wee & the Lords are reconciled & not sundred: & " soe we shall proceed the more speedilie by demanding " judgment.

" Mr. Maynard one way doth not crosse another, but " wee may goe by bill of attainder if wee will, or by " demanding judgment: w^ch^ wee may best resolve upon " when wee see the end of the triall.

" Sir Benjamin Rudier [Rudyard] shewed the great " treason of the Earle of Strafford, & yet saied that one " full third parte of the evidence was not heard, & that " divers of the Lords who weere present at the opening " thereof weere not satisfied that it was treason."

So ends the first page of the facsimile. On the reverse page the debate is continued, the first two speakers being men notorious afterwards for their royalist services, and the third being D'Ewes himself.

" Mr. Tomkins for bill of attainder to bee read, for it " is the old way.

" Sir John Culpepper not to lay bill aside: the safest " & the speediest way to proceede by bill: yet for the " conference now.

" I saied that I was verie gladd of the motion for a " conference. Necessitie to complie with L^s^[Lords] for " timor bonorum spes malorum & the distraction now soe " great in the kingdome as it threatens much hazard. First " to demand judgment the most ancient way in evident " cases: bill, when men dead, or fledd, or cases difficult. " This the shorte way. For nothing now but to demand " judgment. A bill will be long in passing; & all " delaies incident to that as to this. For the summing " upp, a narrative may bee omitted or proceeded in. " This the safe way. B^pps^ in bill ought to have voices. " Divers saied No. But I tolde them that I spake not " by rote or tradition but what I knew. That I had this

" morning been searching in the office of the clark of the " Lordes house touching the bill of attainder of Sir Thomas " Seymour Lord Sudeley, as in paper pinned.[1]

" Divers moved that Mr. Treasurour might explaine " himselfe, whome hee meant by L. Cott. whether hee did " not meane Lord Cottington.

" Mr. Treasurour [Vane] denied to make any other or " further explanation till he had well advized therupon, " though wee sent him to the Tower.

" Mr. Glynne shewed reason, why the committee named " the Lord Cottington because [he] had sworne hee was " there.

" Mr. Martin [Henry Marten] spake to have bill of " attainder read againe and to proceede that way.

" Mr. Hamden answered him & moved the message " might goe upp speedilie.

" Mr. Hamden sent with the message about 12 of the " clocke, but the Lords weere risen.

" Being returned wee fell into debate to vote the heads " for the conference.

" Upon the first head before sett downe being read " and debated, Mr. Treasurour upon some motions, was " twice drawen to declare concerning the saied paper " found by his sonne, that hee first moved his Ma^tie " that hee might burne it, & soe he commanded him to " doe it: & secondly, that hee was not possiblie able to " speake further to it, till hee had considered deliberatelie " of it."

Of the men who, on that 12th of April, thus supported the Attainder, Hotham was afterwards executed for betraying the trust reposed in him by the House, Tomkins was expelled for similar bad faith, and Culpeper entered the service of the King. Glyn and Maynard seem not to have committed themselves on that day, but in the subsequent

[1] All that remains now of that "paper pinned," however, is the space it once occupied. The page simply proceeds and closes as in the text.

debates they proved to be as eager for the Attainder as St. John himself; though both lived to take part at the Restoration, to their eternal infamy, in bringing to the scaffold men such as Henry Vane, whose only crime was to have borne a share, not more marked than their own, in these transactions. Of Falkland, in relation to the Attainder, it is needless to speak. Such was what Clarendon calls his sharpness of tone upon this subject altogether, "so contrary," he adds, "to his natural "gentleness and temper," that his friend says those who knew him but imperfectly were wont to account for it by recalling the memory of some unkindnesses, not without a mixture of injustice, from Strafford to his father; while Clarendon himself, with the usual disingenuousness, attributes it to his having been "misled by the "authority of those who, he believed, understood the "laws perfectly." If this indeed had been the fact, it is a pity that so distinguished a lawyer as Mr. Hyde was already become did not take the necessary pains to enlighten so intimate a friend, gone astray on a matter of such great importance; but still more is it to be regretted that very considerable grounds should exist for believing that they actually went astray respecting it in each other's company. For if it be also true, as in his history he distinctly informs us, that upon no question had they ever had a single difference,[1] or given votes opposed to each other,

[1] This is repeatedly said or implied in what is remarked of Falkland throughout the history, and when it occurs to the historian to describe the disagreement between himself and Falkland on the debate of the bill for taking away the bishops' votes, brought forward after Strafford's execution, he expressly notes it as memorable that there arose in this debate, "*between two persons who had never* "*been known to differ in the house,*" a difference of opinion (i. 412). Now nothing is so certain as that Falkland strenuously, by votes and speeches, supported the Attainder in every stage; and it is utterly impossible that Hyde could have made the remark just quoted, which was written two years after his friend's death, with anything so recent and so marked in his memory as a difference on the Attainder must have been. The friends sat, too, as they voted, together. "The Lord Falkland "always sat next Mr. Hyde, which "was so much taken notice of, that, "if they came not into the House "together, as usually they did, every-"body left the place for him that was "absent" (i. 413).

until the day when, after Strafford's execution, the bill for taking away the bishops' votes was first debated, the inference is irresistible that Hyde, who assuredly did not at any time vote against, must have voted *for*, the attainder. Certainly what he says respecting it in his book is an entire falsification of the facts, and could only have been written under the persuasion that the erasure from the journals of both houses, at the Restoration, of every trace of the proceedings connected with it, had equally obliterated them also from the recollections of men. He might have shrunk from such confident misstatement, if any vision of D'Ewes's Notes had presented itself, as likely ever to rise again.

So clear and straightforward, on the other hand, was the course taken by Pym and Hampden, that even by their subsequent adoption of the Attainder not a stain or shadow of inconsistency was thrown on their previous resistance. They resisted it, because, believing the guilt of Strafford to have been proved, they continued to have faith in the Impeachment; and afterwards they adopted it, because, the House having finally determined against the Impeachment, the same conviction as to Strafford's guilt left them only that alternative. Until the very last, however, they clung to the Impeachment, and to the obligations it had imposed. St. John, Glyn, and Maynard, as soon as the bill was introduced, would have made it the pretext for resisting what had previously been resolved as to hearing counsel for Strafford before the Lords upon the matter of law; and this point was strenuously debated for two days. Both Falkland and Culpeper, as well as St. John, Maynard, and Glyn, insisted strongly that it would compromise both the dignity and the power of the Commons, if, at a time when they proposed to make themselves judges in the case, they consented to hear or reply to counsel anywhere but at their own bar; and Culpeper went so far as to assert his belief, that by attending so to hear and reply before the Lords they would imperil their right to assume subsequent legislative action in the

matter. But Pym and Hampden were not to be moved from the ground on which they stood resolutely as to this part of the case. Why should not the lawyers of the House, suggested Hampden in reply to Culpeper, speak to the points of law before the bar of the Lords, and then come back to their seats among the members of their own house, and afterwards speak again at the Lords' bar if necessary? To which Maynard somewhat hotly replied, that he should hold such a running up and down from one place to another to be nothing less than a dishonour to the House. The word called up Pym, who appears to have made one of his most effective appeals. He submitted to the House that the question before it, of hearing and replying to Strafford's counsel before the Lords, did not bind them either to continue, or to abandon, the proceeding by bill. That might hereafter be settled, according to the wisdom and pleasure of the House; but what they had now to consider was the question, really involving honour, whether the pledge was to be kept or to be broken, which, at the time when their counsel first rose before the Lords to speak against Strafford, they then undoubtedly gave that Strafford's counsel should be heard in his behalf before the same tribunal. "If," continued Pym, according to the report in D'Ewes's manuscript of this remarkable speech, "if we did not go this way to have it heard "publickly in matter of law as well as it had been heard "for matter of fact, we should much dishonour ourselves, "and hazard our own safeguards."

To this appeal the House yielded, and the same spirit which suggested it prevailed in the subsequent proceedings. It was upon Pym's motion, when the Impeachment was finally abandoned, that all its most material articles were imported into the Bill; that the facts, under each article, were voted separately; and that, before the third reading passed to a question, the House first heard the "Gentle-"men of the long robe" argue at great length the several points of law, and then proceeded judicially to vote upon them. It would tax a greater ingenuity, we think, than

that of Mr. Bankes, to discover anything in all this of Barrère or Fouquier Tinville.

Nevertheless that is the school of comparison to which recourse is ever found easy and pleasant by the president of the Corfe Castle society for mutual improvement. After Strafford's impeachment he takes up the impeachment of the Bishops; of whom he says, describing what he would "improve" his fellow members into believing to have been a harmless act of self-defence on their part, but which was in reality the most ill-judged of all the acts of those ill-advised men, that "not daring to continue "their attendance in Parliament, twelve of them, in- "cluding the Archbishop of York, addressed a protesta- "tion to the House of Peers, which was presented by "Lord Keeper Littleton. This being communicated to "the House of Commons, those who signed this protest "were immediately charged with high treason." "The "English," continues Mr. Bankes, in his next following paragraph, "are thought to be less sanguinary "in their days of political frenzy than the French; but "undoubtedly the history of London in 1641, bears very "many points of similarity with the history of Paris from "the year 1791 to 1793."

We do not know that a reference so inapt requires to be remarked upon, but it is not perhaps desirable that the constituents of any county member, in Dorsetshire or elsewhere, should be left under the impression that Robespierre's reign of terror, or any other of those bugbears of history which set the hairs of listeners on end, had a parallel in these days of their ancestors among either the yeomen or the gentlemen of England. If Mr. Bankes be still enamoured of such comparison, therefore, it would be well that he should point out in detail the proscriptions and massacres which in his judgment justify it. At present, it is the belief of every writer who has shown himself most familiar with this period of English history, that with anything approaching to its temper under wrong, or its moderation in victory, no similar movement

in the world was ever carried to its close. For the very plain reason, that far more of the real wealth of the kingdom was committed on behalf of the Parliament than at any time remained with the King, *sansculottism* never got the upper hand amongst us. Stern as were the few forfeits exacted on the scaffold, no blood was ruthlessly or causelessly spilt there. No monstrous innovations disgraced the progress of the struggle, and no infamous proscriptions marked its termination. The palaces of England stood throughout as unrifled as its cottages; and, except where fortified resistance had been offered, the mansions and manor-houses remained as of old, through the length and breadth of the land. While the conflict continued, no servile passions inflamed or disgraced it; and when all was over, the vanquished sat down with the victors in their common country, and no man's property was unjustly taken from him. To disprove all this will require something more than the unsupported assertion of Mr. Bankes.

He says that the history of London, during the year when the Commons impeached and beheaded the most capable minister of the King, and the King made a similar but less successful attempt against the most capable members of the Commons, bears very many points of similarity with the history of Paris, while the guillotine reeked with the execution of the harmless inoffensive King and of the poor fallen Queen, while women and men were taken daily by waggon loads to death, and while the swollen gutters of the wicked city foamed over into the Seine with the best blood of France. We will not insult the sense of the reader by pursuing such a comparison. Yet were there certain points of resemblance, if Mr. Bankes could have had the perception to seize them, that might have served to throw into instructive contrast the still more extraordinary points of difference. Not more surely did those advisers of poor Louis XVI who precipitated his doom, resemble the men whose councils had driven Charles I to the scaffold, than

the frenzied wretches who bore aloft the mangled body of the Princesse de Lamballe, were unlike the calm self-resolute men who fought at Marston Moor. As for the act by the bishops which Mr. Bankes so innocently calls a protestation, as though it had simply protested against unmerited ill-treatment, it was in truth the result of an elaborate and very dangerous intrigue by Archbishop Williams, set on foot after Strafford's execution, in the interest of the King. Such was the impression made by it, that it dwelt in Cromwell's memory long years afterward, and he named it in his last speech to the last Parliament of his Protectorate,[1] as the most daring and suicidal act of those most arrogant of men. The Declaration which Williams drew up, and induced eleven other bishops to join him in signing, was to the effect that as the bishops could no longer attend their duty in Parliament, they therefore protested against the validity of any votes or resolutions during their absence; and if this had *not* been rejected, and proceedings at once taken against its authors, the first step to the King's now cherished purpose of revoking all that had been done in the past memorable year, on the ground that Parliament had not been free, would then and there have been accomplished. And let not Mr. Bankes imagine that this instant decision was in any manner swayed by the "organised riots" of a London mob. Authorities less "rare" than Hyde's history, or that book by Rapin which is not quite so liberal as Mr. Bankes describes it to be, would have told

[1] "Men that are of an episcopal "spirit," said the Protector, describing what he would most have his Parliament to take warning from, "with "all the branches, the root and the "branches; who gave themselves a "fatal blow in this place" [he is speaking in the House of Lords], "when they would needs make a "Protestation that no Laws were "good which were made by this "House and the House of Commons "in *their* absence; and so without "injury to others cut themselves "off! Men of an episcopal spirit: "indeed men that know not God; "that know not how to account upon "the works of God, how to measure "them out; but will trouble nations "for an interest which is but *mixed*, "at the best,—made up of iron and "clay, like the feet of Nebuchad-"nezzar's image."

him that the first "mob" who interfered in the matter was the House of Lords; and that the bishops had been voted guilty of breach of privilege in the upper house without a dissentient voice, before they were, with no less unanimity, impeached of high treason in the other. Clarendon himself, indeed, expressly admits that the indiscretion of these bishops, at such a crisis, gave so great scandal and offence to all those even who passionately desired to preserve their functions, that they had no compassion or regard of their persons, or what became of them; insomuch as in the whole debate in the House of Commons there was only one gentleman who spoke on their behalf, and he said he did not believe they were guilty of high treason but that they were stark mad, and therefore desired they might be sent to Bedlam.[1]

The remark was Falkland's, and is among the many anecdotes recorded by his friend, which, taken with his known course upon such questions as Strafford's attainder, may well suggest some doubt as to the entire correctness of the estimates ordinarily formed of the political character and opinions of this celebrated man. It is but the other day that his example was publicly pleaded by a first minister of the Crown to justify the sincerity with which he might be prosecuting a war in the midst of continual protestations of a desire for peace. We were asked to remember (and this also is the tone adopted by Mr. Bankes), that the most virtuous character in our great rebellion, and the man most devoted to the royalist cause, still murmured and "ingeminated" *peace, peace,* even whilst arming for the combat. But the allusion was unfortunate in turning wholly on that alleged point in Falkland's career which is most capable of clear disproof. He was by no means devoted to the cause he fought for; and he cried out *peace, peace,* solely because he detested the war.

[1] *Hist.* ii. 120-1. He further talks of their being so swayed by the pride and insolence of one anti-prelatical archbishop (so he describes Williams) as that in such a storm, when the best pilot was at his prayers, and the card and compass lost, they should put themselves, without the advice of one mariner, in such a cock boat, to be severed from the good ship!

No doubt, however, he is the man of all others in our civil war who is most generally supposed to have represented the monarchical principle in the conflict; and upon this ground his statue was among those voted earliest for the historical adornment of the new Palace at Westminster. But the real truth we suspect to be, that Falkland was far more of an apostate than Strafford, for his heart was really with the Parliament from the first, which Strafford's never was; and never, to the very end, did he sincerely embrace the cause with which his gallant and mournful death at the age of thirty-four [1] has eternally connected him. We have no wish to say anything to unsettle the admiring thoughts which must always cluster round the memory of one whom Lord Clarendon has celebrated not simply as a statesman and soldier, but as a patriot, poet,[2]

[1] "Thus fell that incomparable "young man, in the four-and-thirtieth "year of his age, having so much dis- "patched the business of life, that the "oldest rarely attain to that immense "knowledge, and the youngest enter "not into the world with more inno- "cence. Whosoever leads such a life, "need not care upon how short a "warning it be taken from him."— *Hist.* iv. 257. For "need not care" the first editors had substituted "needs be the less anxious."

[2] To the gratitude of the poets themselves,—to the eternal remembrance with which such men as Ben Jonson, Suckling, Waller, and Cowley, can pay richly back in their loving verse all kinds and degrees of loving service,—he rather owes this title than to any achievements of his own. But there are yet a sufficient number of good lines in his occasional poetical pieces to justify Suckling's having placed him in his 'Session of the Poets.' There are many manly verses in his Eclogue on Jonson's death.

"Alas! that bard, that glorious bard
is dead,
Who, when I whilome cities visited,
Hath made them seem but hours
which were full days,
Whilst he vouchsaft me his har-
monious lays;
And when I lived, I thought the
country then
A torture; and no mansion, but a
den."

Falkland puts this into the mouth of Hylas, and it may remind us of what Clarendon says of his own passionate fondness for London. Melybœus rejoins:

"Jonson you mean, unless I much
do err
I know the person by the character."

The same speaker continues:

"His learning such, no author, old
or new,
Escaped his reading that deserv'd his
view,
And such his judgment, so exact his
test
Of what was best in books, as what
books best,
That, had he joined those notes his
labours took
From each most praised and praise-
deserving book,

and philosopher, in sentences that will be immortal. But it is impossible to become familiar with the details of that period of our history, and with Falkland's share in what preceded the outbreak into open hostilities, and to doubt in what spirit alone he could have taken part in them. Over and over again does Clarendon himself find it necessary to remark of him, that he never had any veneration for the Court, but only such a loyalty to the King as the law required from him; and as often is he constrained to admit, on the other hand, that he had naturally a wonderful reverence for Parliaments, as believing them most solicitous for justice, the violation whereof, in the least degree, he could not forgive *any mortal power*.[1]

But the friend who has done so much to preserve and endear his fame since his death, had unhappily influence

And could the world of that choice
treasure boast,
It need not care though all the rest
were lost."

Of his great art he then speaks, so that what he pleased to write—

"Gave the wise wonder and the crowd
delight.
Each sort as well as sex admir'd
his wit,
The hes and shes, the boxes and the
pit;
And who less liked, within did rather
chuse
To tax their judgments than suspect
his muse.
Nor no spectator his chaste stage could
call
The cause of any crime of his, but all
With thoughts and wills purg'd and
amended rise
From the ethick lectures of his
Comedies:
Where the spectators act, and the
sham'd Age
Blushes to meet her follies on the
stage;
Where each man finds some light he
never sought,
And leaves behind some vanity he
brought.
Whose Politicks no less the mind
direct
Than those the Manners, nor with
less effect,
When his majestic Tragedies relate
All the disorders of a tottering
state." . . .

It was to be remembered also, Melybœus adds, that of all this old Ben was himself "sole workman "and sole architect," as to which he concludes:

"And surely what my friend did
daily tell,
If he but acted his own part as well
As he writ those of others, he may
boast
The happy fields hold not a happier
ghost!"

These are not only good lines, but very valuable notices of rare old Jonson.

[1] This passage is of course meant to convey, as Bishop Warburton has remarked, that Falkland thought resistance lawful, which Hyde himself did not. And the same feeling is expressed in other passages, as ii. 94; iv. 244, &c.

enough, while he lived, to lead him into a position which made the exact reverse of those opinions an official necessity; and Falkland was eminently a man who, finding himself so placed, however unexpectedly, was ready at once to sacrifice everything to the punctilio of honour. In his opinions, if not in his personal antecedents, he was like the old cavalier Sir Edmund Verney, whose doubts were expressed to Hyde, the tempter of all these men. "I have eaten the king's bread, and served "him near thirty years, and I will not do so base a thing "as to forsake him. I choose rather to lose my life (which "I am sure I shall do) to preserve and defend those "things which are against my conscience to preserve and "defend; for, I will deal freely with you, I have no "reverence for the bishops for whom this quarrel sub-"sists." There was only this important difference in Falkland, that the bread which he had eaten, and the service to which he was vowed, before he made his final election, was that of the Parliament and not of the King. And it is not difficult to discern that his strongest feeling remained in this direction throughout: even when he seemed, as in the party struggle of the Remonstrance, most deeply to have committed himself against its leaders. His convictions never ceased to be with the opinions which the Parliament represented, though his personal habits, his elegant pursuits, his fastidious tastes, his thorough-going sense of friendship, and even his shyness of manner and impatient impulsiveness of temper, made him an easy prey to the persuasive arts that seduced him to the service of the King. Nor will it be unjust to add that it is the admiration thus attracted to his personal character and habits, rather than any sense of his public services, which constitutes the interest of his name. It is not therefore in parliament, nor on the field of battle, that they should seek for Falkland who would cherish him most, but rather in that private home to which his love and patronage of letters lent infinite graces and enjoyments, and where the man of wit and learning found himself

invariably welcomed as to "a college situated in a "purer air."

Mr. Macaulay has remarked that he was too fastidious for public life, and never embarked in a cause that he did not speedily discover some reason for growing indifferent or hostile to. There is something in this; but we should prefer to say that his spirit in all things was too much on the surface—too quick, impetuous, and impatient; and hence both his strength in friendly impulses, and his weakness in statesmanlike action. He carried about with him a painful and uneasy sense of personal disadvantages which he was always eager to overcome, and his very impetuosity was often but another form of shyness and diffidence. But to whatever cause attributable, it is certain that what he would do in public life, he was apt to overdo; and there cannot be a greater mistake than that which so often represents him, and which voted him the first statue among English worthies in the palace at Westminster, as the incarnate spirit of the moderation of our struggle in the seventeenth century. His temperament had as little as possible of calmness or moderation in it. He fought a duel before he was nineteen; and while yet in his minority, had defied his father's authority and made a runaway match. What his friend Hyde calls a "notable vivacity" was always expressing itself in him, by words or deeds; whether the matter was great enough to impel him suddenly into the allegiance for which he died, or only small enough to bring down "his clasped hands tightly on the "crown of his hat" where another man would have thought it enough quietly to sit covered. Mentioning a vote of the Commons for some certain special service, by which the Speaker was instructed in the name of the whole house to give thanks to him who had rendered it, and every member was also desired as a testimony of his particular acknowledgment "to stir or move his hat," Hyde tells us that, believing the service itself not to be of that moment, and that an honourable and generous person would not have stooped to it for any recompense, "instead

"of moving his hat, *he stretched both his arms out and* "*clasped his hands together upon the crown of his hat, and* "*held it close down to his head,* that all men might see how "odious that flattery was to him, and the very approbation "of the person though at that time most popular." The action might for once have excused Mr. Bankes in his perpetual desire to compare his countrymen in these wars to very different actors in a very different revolution. "Firm "as the hat of Servandony!" shouted Danton, with happy allusion to one of the towers of St. Sulpice so named, as he crushed down and held his hat immovably over his great broad face, when threatened with chastisement if he would not uncover while he sat in the pit of the Français on the eve of the Convocation of the States-General. And certainly, however unlike the men, a sudden, indignant, too impatient spirit, was common to both. It largely contributed, indeed, as well to what was right as to what was wrong in Falkland, and might equally have justified his selection as the representative, not of the moderation of the struggle, but of either of its extremes. The artist who received the commission for his statue might have sculptured him as on the 8th of February (1640-1), the vehement assailant of the Bishops, or as on the 25th of October in the same year the vehement supporter of the Church. He might have been taken in 1640 as eager for Strafford's life, as in 1643 he had become reckless of his own in the same ill-fated service as Strafford's.

Very certain it is, at any rate, that he is the last person to take for a model of devotion to the cause he was last engaged in. Hyde expressly tells us that "from the "entrance into this unnatural war his natural cheerfulness "and vivacity grew clouded;" that only "when there was "any overture or hope of peace, he would be more erect "and vigorous;" and that, in short, such was his friend's dislike of the war that he invited and sought death just to get himself fairly out of it. Before the war was actually entered on, indeed, we have proof that this dejection and sadness of spirit had stolen upon him. When, for instance,

on the 5th of September 1642, he delivered to the House of Commons, as minister to the King, the last message sent by Charles to the representatives of his people, he is described in the manuscript Journal of D'Ewes, who witnessed the scene, to have stood bareheaded at the bar, even as Culpeper had stood but ten days before, looking so dejectedly as if he had been a delinquent rather than a member of the parliament, a privy councillor, and messenger from the King. Was he thinking, then, of that old reverence he bore to Parliaments, insomuch that he thought it really impossible they could ever produce mischief or inconvenience to the kingdom, or that the kingdom could be tolerably happy in the intermission of them?[1] As he surveyed the old familiar benches, was he sorrowful with the sad misgiving that he had elsewhere transferred his allegiance, and that it was no longer permitted him to hold the exalted opinion he once held of the uprightness and integrity of the leading men who sat there, especially of Mr. Hampden?[2]

But whatever such doubts or self-questionings may have been, they need not now overshadow or cloud a memory that Englishmen of all opinions may well be proud to cherish. If we desire to reclaim Falkland to the Parliament it is that we would gladly, for ourselves, associate with that side in the struggle those prodigious parts of learning and knowledge, that inimitable sweetness and delight in conversation, that flowing and obliging humanity and goodness to mankind, that primitive simplicity and integrity of life. But it is doubtless the wiser course to separate from all mere party associations such qualities as these, and rather to think of them as vouchsafed to sustain and sweeten our common nature under all its conditions of contest and trial. He asked no man's opinion, says Clarendon, whom he desired to serve: it was enough that he found a man of wit, family, or good parts, clouded with poverty or want; and such was his generosity and bounty for all worthy persons of that kind needing supplies and

[1] Clarendon, *Hist.* iv. 244. [2] *Ibid.* iv. 245.

encouragement (whose fortunes required, and whose spirits made them superior to, ordinary obligations),[1] that he seemed to have his estate in trust for such alone. To that generous home which he kept open to his friends near Oxford, no man had to pay toll or tax of opinion at entering.[2] There, without question asked, men of all opinions in Church and State assembled; finding in their host such an immenseness of wit and such a solidity of judgment, so infinite a fancy bound in by a most logical ratiocination, such a vast knowledge that he was not ignorant in anything, with such an excessive humility as if he had known nothing, that the place was to them as "a college situated "in a purer air."[3]

Were it possible that a time might come when all recollection should have passed away of the momen-

[1] "As," Clarendon takes occasion to say (*Life*, i. 46), "Ben Jonson, "and many others of that time." "Which yet," he adds, "they were "contented to receive from him, "because his bounties were so generously distributed, and so much "without vanity and ostentation, "that, except from those few persons "from whom he sometimes received "the character of fit object for his "benefits, or whom he intrusted, for "the more secret deriving them to "them, he did all he could that the "persons themselves who received "them should not know from what "fountain they flowed; and when "that could not be concealed, he "sustained any acknowledgment from "the persons obliged with so much "trouble and bashfulness, that they "might well perceive, that he was "even ashamed of the little he had "given, and to receive so large a "recompense for it."—*Life*, i. 47.

[2] "Who all found their lodgings "there," says Clarendon, "as ready "as in the colleges; nor did the lord "of the house know of their coming "or going, nor who were in his "house, till he came to dinner, or "supper, where all still met: otherwise there was no troublesome ceremony or constraint, to forbid men "to come to the house, or to make "them weary of staying there; so "that many came thither to study in "a better air, finding all the books "they could desire in his library, "and all the persons together whose "company they could wish, and not "find in any other society."—*Life*, i. 48. In his history Clarendon adds that upon one subject only was Falkland intolerant in respect of those whom he received, and he attributes it to the fact that the Papists had corrupted his two younger brothers (his mother was a Catholic) "being both children, and stolen "them from his house, and transported them beyond seas;" and that they had also "perverted his sisters:" upon which occasion Clarendon mentions, "he writ two large discourses "against the principal positions of "that religion, with that sharpness "and style, and full weight of reason, "that the Church is deprived of great "jewels in the concealment of them, "and that they are not published to "the world."—*Hist.* iv. 244. Some curious letters having reference to these incidents in Falkland's family will be found in the *Clarendon State Papers*, ii. 535—538.

[3] Clarendon, *Hist.* iv. 243.

tous quarrel in which Falkland threw down his life, those things might yet continue his name and memory with profit and advantage to all men. And even above them we would place the three particular characteristics which the affection of his friend cannot help recording, while he qualifies them as matters with which he was reproached during life as unsuited to "the necessity and iniquity of "the time." Holding, on the other hand, that were it only possible to find men pure enough to practise them, they would abate the necessity and iniquity of every time, we shall here place them on record as the highest human eulogy to be pronounced on Falkland. The first was, that so severely did he adore truth that he could as easily have given himself leave to steal as to dissemble. In other words, to suffer any man to think that he would do anything which he was resolved not to do, he thought a far more mischievous kind of lying than any positive averring of what could easily be contradicted. The second was, that he would never give the remotest countenance or entertainment to the employing of spies. Such instruments, he held, must be so void of all ingenuousness and common honesty before they could be of use, that afterwards they could never be fit to be credited; and he could account no single preservation to be worth so general a wound and corruption of human society as the cherishing such persons would carry with it. The third was, that he denounced ever with vehement indignation the liberty of opening private letters, upon suspicion that they might contain matter of dangerous consequence; thinking it such a violation of the law of nature that no qualification by office could justify a single person in the trespass.

Such and so great that particular trespass, indeed, that it may in some cases be a moot question whether any lapse of time absolves the responsibility. But certainly, of the many letters, once private and sacred, which Mr. Bankes has here intercepted on their way to oblivion, we may fairly assume that their publication after all these years would not have fallen within Falkland's reproach, or have been held to

impinge upon other rights than those which time itself claims only to destroy. Mr. Bankes is entitled, we think, to the praise he claims for publishing these letters in his volume. But he might also have made the book at once a more pleasing tribute to the memory of his ancestor, and a better contribution to the knowledge of his contemporaries, if he had simply initiated himself, before he undertook it, into those earliest lessons of historical research which consist in being able to decipher ancient handwriting. Such communications as he gives us, and they are really valuable, are printed with sad mutilations; and half the letters discovered he has not been able to print in any form. Yet the time to which they refer was the most critical of all; and at its turning point of ruin or safety for Charles I, their writer was by his royal master's side, advising and warning him. Does Mr. Bankes understand the importance of even the solitary letter of his ancestor which he has been able to decipher? Does he perceive that the great calamity of the kingdom is very plainly referred in it, not to organised mobs or reigns of terror, but to the fatal indecision of the King. "I have adventured "far," writes the well-meaning Chief Justice, "to speak "my mind freely, according to my conscience, and *what* "*hazards I have runne of the King's indignation in a high* "*measure* you will heare by others; *all men give not the* "*same advice.*" Some remarkable men, high in the councils of the popular party, were now making a final effort to keep the sword still sheathed; and Sir John Bankes stood between them and the King, with what peril he has just hinted to us. Why, a mere study of the letters addressed to himself, here published by his descendant, even without the answers that lay beneath his hand (and which a little more pains and knowledge might have enabled him to publish), should have saved the little book that contains them from the dangerous errors it also unhappily contains.

Against these we have done our best to protect any classes of readers to whom a privy-councillor and county

member might have spoken with pretences of authority. Mr. Bankes asserts that our civil wars began in organised riots, in democratic excesses, and in scenes such as inaugurated Robespierre's reign of terror. We say that they began in high and honourable good faith, and in a complete absence of personal animosities. He lays before us his volume, by way of proving his case; and we find that all the evidence adduced in its pages is clear against him. What, in letters now first published, says Lord Northumberland to Mr. Bankes's ancestor? what says Lord Wharton? what says Mr. Denzil Holles? what says Lord Say and Seale, a leader of the Puritans? what says even the leader of the parliamentary armies, Lord Essex? None of these men viewed with other than a sad reluctance the strife which was about to begin; none of them were eager to exaggerate or precipitate the quarrel. In two as impressive sentences as were ever written upon it, Lord Northumberland tells Sir John Bankes, that Parliament is arrayed against the King because of the peril of "losing "that liberty which freeborn subjects ought to enjoy, and "the laws of the land do allow; and because those "persons who are most powerful with the King, do "endeavour to bring parliaments to such a condition that "they shall only be made instruments to execute the "commands of the King." In a letter of singularly earnest expression, Lord Wharton warns Sir John Bankes that he is intimate with many popular leaders, "and I do "seriously profess, I dare not in my private thoughts "suspect or charge any of them for having disloyal hearts "to his Majesty, or turbulent hearts to this State." In a letter written from that very place in the House of Commons which he occupied in close vicinity with Pym and Hampden, Denzil Holles tells the Chief Justice that the House of Commons only waits "the first appearance "of change in his Majesty that he will forsake those "councils which would divide him from his Parliament "and people, and make them destroy one another," to return in duty and affection to his person. In reply to a

letter from the Chief Justice, soliciting his opinion, Lord Say and Seale more sternly warns him that "your "cavaliers (as they are called) do much mistake in per- "suading themselves or others, that there is any fear "among those who desire the King's wealth and great- "ness as it may stand with their own rights and liberty, "and the end of his government." Finally, in rough and unlettered but manly phrase, Lord Essex thus communicates to Sir John Bankes the grief with which he is about to unsheathe his sword: "The great misfortunes "that threaten this kingdom, none looks upon with a "sadder heart than I, for in my particular, my conscience "assures me I have no ends of my own, but what may "tend to the public good of the King and the kingdom."

As for the alleged later and more fatal forms of grief which Mr. Bankes would have us believe were undergone by promoters and leaders of the strife, they may concern us extremely little. The story of one of the leaders of the Long Parliament dying of remorse as soon as the first blood of the war was drawn, and complaining on his death-bed that Mr. Pym and Mr. Hampden always told him they thought the King so ill-beloved by his subjects that he would never be able to raise an army to oppose them, is a mere rascally invention of Chronicler Heath. Sir Benjamin Rudyard had undoubtedly in his time played no undistinguished part among the patriots, and he had talents and graces of mind, that, as they justly entitled him to such praise as Jonson's,[1] would have given any cause new lustre. He was a most masterly orator, and no contemptible poet; and though he was never a leader

[1] "Rudyard, as lesser dames to great ones use,
My lighter, comes to kiss thy learned, muse;
Whose better studies while she emulates,
She learns to know long difference of their states.
Yet is the office not to be despis'd,
If only love should make the action prized;
Nor he for friendship can be thought unfit,
That strives his manners should precede his wit."

And again:

"If I would wish for truth, and not for show,
The aged Saturn's age and rites to know;

among these great men, they might well boast of the accession they received when so courtly and accomplished a gentleman left his fashionable haunts upon town and took his place among them. But in truth Rudyard was too good a speaker for the service which alone in other respects he could render them when their struggle took its gravest aspect. Shakespeare knew a kind of men even incapable of their own distress, and Sir Benjamin was not altogether capable of his own excellent oratory. His nature was too delicate, fearful, and irresolute, for all the consequences it imposed. "He should be very glad," he said on one occasion, "to see that good old decrepit "law Magna Charta, which hath been kept so long bed-"rid as it were, walk abroad again with new vigour and "lustre;" but nobody, not Charles himself, was so much alarmed as Sir Benjamin, when that good old law did in reality get upon its legs again. Yet in this he was no traitor; no renegade. It was the effect of timidity and of time. The blows of old age are apt to fall suddenly upon those who have led an active life; and when Charles raised his standard at Nottingham, Sir Benjamin Rudyard had counted his seventy-second year. Thus he found himself in all probability sinking bedwards, at the very time when the gigantic statute before named was rising out of its long sleep. Though he continued still to act with the parliament, therefore, it is certain that during the progress of the war he cried out incessantly, as

If I would strive to bring back times, and try
The world's pure gold, and wise simplicity;
If I would virtue set as she was young,
And hear her speak with one, and her first tongue;
If holiest friendship, naked to the touch,
I would restore, and keep it ever such;
I need no other arts, but study thee:
Who prov'st all these were, and again may be."

And still again — this grand and brave old Jonson could never say too much for the men he loved and honoured:

"Writing thyself, or judging others writ,
I know not which thou'st most, candor, or wit;
But both thou hast so, as who affects the state
Of the best writer and judge, should emulate."

Ben Jonson's *Epigrams*.

perhaps it became old age when sensible of the grave's approach, against the war, and for peace, for peace: and he is even supposed to have gone so far as to entitle himself to the (in that day) equivocal praise, recorded on the title-page of one of his published speeches, of having "nobly defended the Bishops."

But, convert to the desire for compromise as Sir Benjamin so became in age, we cannot too often repeat that he did not desert, nor malign, the men with whom he had acted in riper years. The good old knight, to say nothing of his honesty, was too much of a gentleman for that. Nor is there the least reason to infer, much as he disliked the conflict, that he was killed by it. He remained in his place in the House of Commons as long as he could; still acting with Pym and with his successors (as for example in his speech against the Court of Wards as late as '45), though feebly; still incessantly desiring a compromise; and, though he never regained any eminence in public affairs, he did not die till he was eighty-seven. We think it very clear, therefore, that the writers or politicians who want any precedent for the desertion and abuse of a great cause, or a set of great principles, must not go to the life of the very estimable Sir Benjamin Rudyard. They must be satisfied with the study of the life of Hyde, which will show them, perhaps better than any other piece in history, how it is possible to act in intimate union with the principles and policy of a particular party at the commencement of a life, and to employ its close in steadily blackening the characters and opinions of the men with whom one has so acted in earlier days.

Recommending the study, then, to all who would really so inform themselves respecting this great period as to be saved from the continual danger of doing injustice to its worthiest men, let us leave Mr. Bankes's volume with a final expression of our surprise that such errors as we have here been at the trouble to describe should be committed at this time of day by an educated English gentleman, in speaking of that earlier portion of the story

of our civil wars on which nearly all intelligent inquirers might be thought to have laid aside their differences long ago. Surely the fairest judgments, from whatever opposite points of view, have generally been able of late years to arrive at substantially the same conclusion, on this first stage of the conflict; and, up to the arrest of the five members at least, to agree that a power to discriminate between good and bad faith is really all the investigation now requires. That the Long Parliament had no desire permanently to strip the Crown of any of its essential prerogatives, and did absolutely nothing, before the sword was drawn, which was not justified by the King's personal character, or of which the sufficient reason is not discernible in a necessary absence of all faith in his promises, is an opinion which a large class of even tory and high-church reasoners have not been ashamed to adopt from the late Mr. Coleridge. To renew anything like the vehemency of the old civil war disputes, therefore, let us assure Mr. Bankes, it is now become needful to pass to a " more removed ground." His ancestor was in his grave, and his ancestor's correspondents diversely and sadly scattered; my Lord Northumberland was sulking at his country-house, Mr. Denzil Holles was fretting that he had ever so largely helped to turn out the Stuarts, and my Lord Essex had been borne in funeral pomp to the Abbey of Westminster; before that greater and sterner figure had fully emerged, whose " rude tempes- " tuous " qualities, perplexing in early days to Mr. Hyde, were so to perplex and trouble all future historians.

Up to the time when Mr. Macaulay, some seven and twenty years ago, remarked of the character of Cromwell in this Review,[1] that though constantly attacked and scarcely ever defended, it had yet always continued popular with the great body of his countrymen, it is unquestionable that the memory of the great Protector, assiduously blackened as it had been in almost every generation since his death, had failed to find a writer in

[1] The Edinburgh Review: art. on Hallam's *Constitutional History*.

any party entirely prepared to act as its champion. Down to the days of Mr. Hume, Cromwell remained for the most part what that philosophical historian very unphilosophically called him, "a fanatical hypocrite;" and though there was afterwards a great change, though to praise him was no longer punishable, though to revile him became almost unfashionable, and at last the champion ready on every point to defend and uphold him was found in Mr. Carlyle, it is yet remarkable what differences as to his moral qualities continued to prevail, where even the desire to exalt his intellectual abilities was most marked and prominent. We shall perhaps best exhibit this, and with it the authorities on which M. Guizot has had mainly to rely, if we briefly sketch Cromwell under the leading general aspects in which he has appeared to the readers of English history, from the opening of the present century to our own day. That will of course exclude the old Tory and Fox-hunting style of talking of him, and restrict us to such expressions only as educated men need not blush to read. Under three divisions, we think, all may be sufficiently included.

The first would run somewhat thus. That when the struggle had passed from the parliament house into the field of battle, there somewhat suddenly arose into the first place amid the popular ranks, a man not more remarkable for his apparent religious fanaticism than for the sagacity of his practical outlook on affairs. So far indeed had the latter quality in him a tendency, as events moved on, to correct the former, that even what was sincere in his religious views soon yielded to the teachings and temptations of worldly experience, and religion itself became with him but the cloak to a calculating policy. His principal associates were bigots in republicanism; but he had himself too much intellect to remain long under a delusion so preposterous, as that monarchy, aristocracy, and episcopacy were not essential to England. As the opponent of all three, nevertheless, he was pledged too deeply to recede; and such was the false position in which

his very genius and successes placed him, that with no love for hypocrisy, he became of necessity a hypocrite. To cant in his talk, to grimace in his gestures, on his very knees in prayer to know no humility, were the crooked ways by which alone he could hope to reach the glittering prize that tempted him. When at last it fell within his grasp, therefore, when he had struck aside the last life that intercepted his path to sovereignty, and all he sought was won, there came with it the inseparable attendants of discontent and remorse. "What would not "Cromwell have given," exclaims Mr. Southey, "whether "he looked to this world or the next, if his hands had "been clear of the king's blood!" The height to which he afterwards rose never lifted him above that stain. It darkened the remainder of his life with sorrow. "Fain "would he have restored the monarchy," pursues Mr. Southey, "created a house of peers, and reestablished "the episcopal church." But his guilt to royalty was not to be cleansed, or his crime to society redeemed, by setting up mere inadequate forms of the valuable institutions he had overthrown. He lived only long enough to convince himself of this; and at the close would have made himself the instrument for even a restoration of the Stuarts, if Charles II could have forgiven the execution of his father. But this was not thought possible, and Cromwell died a defeated and disappointed man.

The second view of the character would arrive, by very different reasoning, at something like the same conclusion of grief and disappointment. Within somewhat similar toils of ambition, however, it exhibits a far greater and purer soul. It would seem to be founded on the belief that a man must have thoroughly deceived himself before he succeeds on any great or extended scale in deceiving others; and here the final remorse is made to arise, not from treason to royalty, but from treason to liberty. In *this* Cromwell, we have a man never wholly without a deep and sincere religion, however often able to wrest it to worldly purposes; and, if never altogether without ambi-

tion, yet with the highest feelings and principles intermingling with the earlier promptings of it. There is presented to us a man not always loving liberty, but always restless and insubordinate against tyranny; and at the last, even with his hand upon the crown, driven back from it by the influence still possessed over him by old republican associates. His nature, in this view of it, is of that complicated kind, that, without being false to itself, it has yet not been true to others; and it is even more the consciousness of what might have been his success, than the sense of what has been his failure, which makes the grief of his closing years. While he has grasped at a shadow of personal authority, the means of government have broken from him; and, failing as a sovereign, he cannot further succeed as a ruler. Difficulties without have accumulated, as perplexities within increased; and his once lofty thoughts and aspirations have sunk into restless provisions for personal safety. The day which released his great spirit, therefore, the anniversary of his victories of Worcester and Dunbar, was to be held still his Fortunate Day for the sake of the death it brought, not less than it was so held of old for the triumphs it associated with his name.[1]

The third stands apart from both of these, and may be taken as the expression of certain absolute results, to which a study of the entire of Cromwell's letters and speeches, brought into succinct arrangement and connexion, has been able to bring so earnest an inquirer as Mr. Carlyle. We may thus describe them. That in the harsh untuneable voice which rose in protest against popery in the third parliament, was heard at once the complete type and the noblest development of what was meant by the Puritan Rebellion. That there then broke forth the utterance of a true man, of a consistency of character perfect to an

[1] Such was the view I attempted to present of the character of this great man in my *Statesmen of the Commonwealth*. As the reader may probably infer from the tone of the present Essay, I should now be disposed very greatly indeed to modify it.

heroic degree, and whose figure has heretofore been completely distorted by the mists of time and prepossession through which we have regarded it, as we looked back into the past. That *this* Cromwell was no hypocrite or actor of plays, had no vanity or pride in the prodigious intellect he possessed, was no theorist in politics or government, was no victim of ambition, was no seeker after sovereignty or temporal power. That he was a man whose every thought was with the Eternal,—a man of a great, robust, massive mind, and of an honest, stout, English heart; subject to melancholy for the most part, because of the deep yearnings of his soul for the sense of divine forgiveness, but inflexible and resolute always, because in all things governed by the supreme law. That in him was seen a man whom no fear but of the divine anger could distract; whom no honour in man's bestowal could seduce or betray; who knew the duty of the hour to be ever imperative, and who sought only to do the work, whatever it might be, whereunto he believed God to have called him. That here was one of those rare souls which could lay upon itself the lowliest and the highest functions alike, and find itself, in them all, self-contained and sufficient,—the dutiful gentle son, the quiet country gentleman, the sportive tender husband, the fond father, the active soldier, the daring political leader, the powerful sovereign,—under each aspect still steady and unmoved to the transient outward appearances of this world, still wrestling and trampling forward to the sublime hopes of another, and passing through every instant of its term of life as through a Marston Moor, a Worcester, a Dunbar. That such a man could not have consented to take part in public affairs under any compulsion less strong than that of conscience. That his business in them was to serve the Lord, and to bring his country under subjection to God's laws. That if the statesmen of the republic who had laboured and fought with him, could not also see their way to that prompt sanctification of their country, he did well to strike them from his path, and unrelentingly denounce or

imprison them. That he felt, unless his purpose were so carried out unflinchingly, a curse would be upon him; that no act necessitated by it could be other than just and noble; and that there could be no treason against royalty or liberty, unless it were also treason against God. That, finally, as he had lived he died, in the conviction that human laws were nothing unless brought into agreement with divine laws, and that the temporal must also mean the spiritual government of man.

And now, with these three aspects of the same character before us, we may perhaps better measure the view which M. Guizot takes of Cromwell. Something of the first will be found in it, of the second decidedly yet more; and, though it has nothing of the remorse with which both cloud the latter days of the Protector, it expresses the same sense of failure and loss, and stops with a faltering step far short of where his last and warmest panegyrist would place him. Free and unhesitating, nevertheless, is its admiration of his genius and greatness, and earnest and unshrinking the sympathy expressed with his courage and his practical aims. It would seem to be the view too exclusively of a statesman and a man of the world, of one who has lived too near to revolutions, and suffered from them too much, always to see them in their right proportions, to measure them patiently by their own laws, or to adjust them fairly to their settled meaning and ultimate design. But there is nothing in it which is petty or unjust,—nothing that is unworthy of a high clear intellect.

A great man, then, but enamoured too much of the substantial greatness of this world, is M. Guizot's Cromwell. All that was noble in his mind, and all that was little, he was able, and too ready, to subordinate to the lust of material dominion. But where that passion led him, there also lay what he believed to be his duty; and if, in the pursuit of it, he suffered no principle of right to be a barrier upon his path, neither did he suffer any mists of petty vanity to cloud his perfect view of whatever hard or flinty road might lie before him. To govern, says

M. Guizot, that was his design. The business of his life was to arrive at government, and to maintain himself in it; his enemies were those who would throw any bar or hindrance in the way of this; and, excepting those whom he used as its agents, he had no friends. Such a man was Cromwell, if he be judged rightly by the French historian. He was a great and a successful, but an unscrupulous man. With equal success he attempted and accomplished the most opposite enterprises. During eighteen years a leading actor in the business of the world, and always in the character of victor, he by turns scattered disorder and established order, excited revolution and chastised it, overthrew the government and raised it again. At each moment, in each situation, he unravelled with a wonderful sagacity the passions and the interests that happened to be dominant; and, twisting all their threads into his own web of policy, he clothed himself ever with their authority, and knew still how to identify with theirs his own dominion. Always bent upon one great aim, he spurned any charge of inconsistency as to the means by which he pursued it. His past might at any time belie his present, but for that he cared little. He steered his bark according to the wind that blew; and however the prow might point at one time and another, it was enough for him if he could ride the stormy waters of the revolution, and make short voyage without shipwreck to the harbour beyond. The oneness of his aim was the consistency that covered any inconsistency in the conduct of his enterprise. His work was good if it attained its crown. His seamanship was creditable if it took him safely across to the desired port, —port royal.

Not that this expressed in him any mean or low desire for a merely selfish aggrandisement. It is a main point in M. Guizot's judgment of the character of Cromwell, that he holds him to have been a man who felt, quite as distinctly as M. Guizot himself feels, an absence of practical sense in even the noblest system that is revolutionary. He was thoroughly aware that a people like

the English, reverent of law, though they might crush a king by whom the law had been defied, would nevertheless remain true in their hearts to the principle of monarchy. When he proposed, therefore, finally to stand before the English as their sovereign, the Cromwell of M. Guizot was but shaping his ambition by the spirit of the nation he sought to rule. His soul was too great to be satisfied with a mere personal success. To become a constitutional king was only his last aim but one. His last, and the dearest object of his life, was to transmit a crown and sceptre, as their birthright, to succeeding members of his family. He was a man, however, who could conquer but not found. He conquered much more than the power of King of England, but also much less than the name; and while his own wish, and the genius of the nation, were begetting parliaments, and not an effort was left unattempted by him to put off his absolutist habits, and to live within the means of a ruler accountable to Lords and Commons, these were the only labours of his life in which he failed. To substitute for a weak house of Stuart a strong house of Cromwell, at the gate of the temple of the constitution, was, if M. Guizot be right in his view, the most persistent aim of the Protectorate. But herein the Protector failed; and the historian to whom disorder is the synonym for revolution, closes with this sentence the *Histoire de la République d'Angleterre et de Cromwell:*

"God does not grant to the great men who have set on "disorder the foundations of their greatness, the power to "regulate at their pleasure and for centuries, even accord-"ing to their better desires, the government of nations."[1]

That is the moral of the book; and it may be well that the reader should see, before we proceed further, how the few simple and pregnant words composing it are given in

[1] "Dieu n'accorde pas aux grands "hommes qui ont posé dans le dés-"ordre les fondements de leur grand-"eur, le pouvoir de régler, à leur "gré et pour des siècles, même "selon leurs meilleurs désirs, le "gouvernement des nations."

the English version. For M. Guizot has found a translator[1] whose endeavour has been "to make as literal a "translation as was compatible with our English idiom;" and the sentence, which translates literally as above, is accommodated in manner following to the English idiom: "God does not grant to those great men who have laid "the foundation of their greatness amidst disorder and "revolution, the power of regulating at their pleasure, and "for succeeding ages, the government of nations." Of which sentence the accommodation to English idiom will be seen mainly to consist in the addition of "and "revolution" to "disorder," whereby it is implied in the English that the two things are different, whereas it is in the spirit of the French to assume that they are like; and in the entire omission of the very pregnant clause by which both the summary of Cromwell's ambition is qualified to his credit, and the moral the historian would draw from it is pointedly enforced, namely, that in the opinion of M. Guizot, even designs that might seem well worthy of completion are frustrated by the divine wisdom, when disorder is used as a step to their accomplishment.

As it is in this opening sentence, however, so it is, we regret to say, through the greater part of the work of the translator; and since we have interrupted ourselves to say so much, we may as well delay the reader a little longer to prove it. For it is surely to be regretted that a history like this by M. Guizot, a book so especially interesting to Englishmen that a place was at once ready in our permanent literature for a good translation of it, should have failed to find the proper care and attention in this respect. If books were to be swallowed like water, with no regard to the mere pleasure of the taste, it would

[1] In again reading these remarks on M. Guizot's translator, the tone seems here and there unnecessarily harsh; but the question raised is an important one, and they are retained for that reason. I am bound to add, however, that the same translator acquitted himself infinitely better in the execution of the *second part* of M. Guizot's work, devoted to Richard Cromwell. This latter book, taken as a whole, is a version of the original neither unpleasing nor unfaithful.

matter little; but there is a style in writing as there is a bouquet in wine, and if M. Guizot's be a little thin, it is yet pure, refined, and sparkling, with a delicate aroma. As he presents it to us, it is never flat or insipid; but from M. Guizot's flask to his translator's bucket is a lamentable plunge, and whatever spirit the original possessed we find, for the most part, dissipated in the transfer. A reconstruction into verbose, round-in-the-mouth sentences, is the utter destruction of M. Guizot's French. The sense comes muffled, as though the voice reached you through a feather bed. Let any one who cares to be at so much trouble, read separately this book and its translation, and he will be surprised to find how much is lost when style is lost. The two versions leave absolutely different impressions of the author's mind.

Without any special search for glaring instances, we will begin at the beginning. We will take the first dozen pages (written when the translator, fresh to his work, could hardly have begun to slip through weariness), and see what has been made of them. The very title, we regret to say, has been altered in significance. M. Guizot wrote *History of the Commonwealth of England and of Cromwell*, and this the translator brings into compatibility with English idiom by writing *History of Oliver Cromwell and the English Commonwealth*. It does not occur to him that there may be sense, no less than sound, in the order of the words placed upon his title-page by the historian. His problem is to impart what he conceives to be an easy flow to a given number of vocables; and if for him they flow better upside down than straightforward, they are, as in this title, inverted accordingly.

It is a noticeable peculiarity of M. Guizot, that in characterising historical persons he shows himself prone to dwell on the contradictory appearances assumed by the same nature in a man. Whenever it is possible, he marks the two sides which belong to human character, and the ease with which opposite opinions may with no dishonesty be formed. Of this there is of course no

example in his book, or in the whole range of human history, so prominent as Cromwell himself; and as all opposite qualities maintain the balance of an active mind, the temptation is great to the historian to bring out the expression of such contrasts in a strong antithesis. So strong in M. Guizot, indeed, is generally this form of speech, that it takes but the least additional strain to turn it into nonsense; and not seldom his translator goes far to effect this, by multiplying words without the least necessity. It is quite curious how he yields to the temptation of rolling off high-sounding sentences. We have an instance in the opening words of the book. He cannot give simply even such an epithet as "the lustre of "their actions and their destiny," in the very first sentence, "l'éclat de leur actions et de leur destinée," without turning it into "the splendour of their actions "and the magnitude of their destiny."

The history begins with a picture of the Long Parliament under its republican chiefs, reduced in number by secessions following the execution of the King, and regarded without sympathy by the main body of the people. In the February following the execution, there were not more than seventy-seven members who recorded votes at any of the divisions, and of these divisions M. Guizot counts eight. The translator alters this into ten, without a note to indicate the change. The parliamentary leaders, M. Guizot continues, set to work, "avec une "ardeur pleine en même temps de foi et d'inquiétude:" a hint of the secret disquiet at the heart of theorists committed to action, which in the translation loses both subtlety and sense by the exaggeration of disquiet into anxiety, and by the yoking of an adjective to each noun for the more dignified and sonorous roll of the period. They set to work, says the translator, with an ardour full "at once of strong faith and deep anxiety." Enter thus upon the sentence the words strong and deep, and exeunt from the sense of it the things strength and depth.

Forty-one councillors of state were presently appointed,

and among those chosen, says M. Guizot, there were five superior magistrates, and twenty-eight country gentlemen and citizens: but these numbers, again without a note to say that he is not translating, the translator alters, one into three, the other into thirty. When these councillors met, continues the historian, they were required to sign an engagement approving of all that had been done "in "the king's trial, and in the abolition of monarchy and "of the house of lords:" but this expression is too simple for the translator, who words it and double words it, "in the king's trial, in the overthrow of kingship, and "in the abolition of the house of lords." Twenty-two, proceeds M. Guizot, persisted "à le repousser;" but this word of spirit vanishes from the translation, where it is said, in the interest of English idiom, that they persisted "in refusing it." The substance of their reasons, adds M. Guizot, the tone of his mind insensibly colouring his expression, was that they "refused to associate them- "selves" with the past; but heavily clouded is this hint of a personal stain, and of the dread of complicity, when the translator turns it into "refused to give their sanc- "tion." Excited by the censure so implied, resumes M. Guizot, the House nevertheless checked its own resentment ("on ne voulut pas faire éclater les dissensions "des republicains"); and here his temperate and subtle tone again directs attention to the weakness of the theoretical republicans, in the fact that they did not wish to publish abroad their dissensions. But the entire sense of it is lost by the translator, who thus again words and double words and smothers it in idiom. "To originate "dissensions among the republicans would, it was felt, "be madness." There is already discord in the camp, suggests M. Guizot. Discord, suggests his translator, had yet to begin, and these were not men mad enough to set it going. The translator may be right, but he is not translating M. Guizot.

The historian still pursues his theme. "Les régicides "comprirent qu'ils seraient trop faibles s'ils restaient

"seuls;" but that the translation might become "too "weak" indeed, the simple words "trop faibles" are multiplied into the idiomatic English of "not strong "enough to maintain their position." The matter was accordingly arranged, says M. Guizot, "sans plus de "bruit." Hushed-up would be no bad idiom for that; but unfortunately hushed-up would mean what M. Guizot means, and so, says the translator, it was arranged "with-"out further difficulty." Significantly M. Guizot adds, of the modified pledge offered by the dissidents, that with it "on se contenta;" which insignificantly the translator renders "it was accepted."

These are small items of criticism, it will be said. But let it be understood that the last seven of them all arise out of a single paragraph, and that the last six are all on the same page; and let any one conceive what murder is done upon the soul of a book, 700 pages long, when a translator sits down in this manner to the work of killing it by inches.

We turn over, and on the first line of the next page read that the compromise described was "to a very great "extent" the work of Cromwell and Sir Henry Vane: "to a very great extent" being the translator's idiom for "surtout." Before we get to the middle of the page we find a date set down as November, without any note of its having been written December in the text. On the first line of the next page, Vane's suggestion of an oath of fidelity simply referring to the future is spoken of as an idea whereof Cromwell was one of the most eager "to "express his entire approval:" the translator in that supplying his peculiar idiom for "à s'en contenter." Similarly we find, in the sentence following, that for "nul" the English idiom is "no one for a moment." Of the committee of three who held the powers of the Admiralty, M. Guizot says that Vane "était l'âme;" and his translator says (diluting it into his idiom), that Vane "was the "chief." Blake then enters on the scene, by whom, according to M. Guizot, the glory of the Commonwealth

at sea was hereafter "à faire;" and this expression is rendered "to augment," that its spirit may be utterly destroyed.

We promised to comment on the first dozen pages of the authorised English version of M. Guizot's Commonwealth and Cromwell, and if we redeem our promise we must discuss four more. Rather than do that, we will break it. But we quote from both texts the beginning of page nine; the English water side by side with the French wine; and we think no reader who examines it will desire that we should splash on through the rest of this page, or the pages following. The passage, feeble as it is, is far above the average; for in it the sense of the text does absolutely survive what the translator overlays it with, though in what condition the reader will see.

"La chambre avait *touché et pourvu à tout;* la legislation, la diplomatie, la justice, la police, les finances, l'armée, la flotte étaient dans ses mains. Pour paraître aussi desintéressée qu'elle était active, elle *admit* les membres qui s'étaient séparés du parti vainqueur, au moment de sa rupture definitive avec le roi, a reprendre leur *place dans ses rangs,* mais en leur imposant un tel désaveu de leurs anciens votes que bien peu d'entre eux *purent s'y résoudre.*"

"The house had *revised and arranged every department of the administration* ; *the* legislation *and* diplomacy *of the country, the courts of* justice, *the* police, the finances, the army, and the fleet, were *all* in its hands. To appear as disinterested as it was active, it *permitted* those members who had separated from the conquering party, at the moment of its definitive rupture with the king, *to resume their seats in its midst;* but it required from them *at the same time* such a disavowal of their former votes, that very few *could persuade themselves to take advantage of this concession.*"

Such is the translation which M. Guizot has authorised, and which the law now protects against any better that might replace it. The example should not be thrown away. It is an evil, but ought not to be a necessary evil, of the protection given under international copyright, that if a book be marred in the translation, it is marred

past hope of mending. The new law is not less politic than it is just, for without it there can be no inducement sufficient to invite to such labour the employment of original talents and real learning. But if, through want of care in obtaining these, inapt or inferior talents are now employed and protected, mischief beyond retrieval is done. Nor is it easy to make the proper choice. A man may be a very respectable writer who will turn out to be an execrable translator, though it would be next to impossible that a good translator should not also be a writer of respectable powers. But foreign writers cannot be too careful in steadily looking this difficulty in the face, before resolving to let their works pass out of their keeping. What an engraver is in the eyes of an artist, a translator should be in the eyes of an author; and while, in the former case, our academicians have been lately yielding, to the most eminent in the craft, a right of brotherhood, in the latter the best masters have at all times been esteemed, by authors of repute, as brother craftsmen. If publishers are indisposed to the same view, the public should protect themselves. Copyright in translation will involve grave injury to them, if it lowers instead of raising the average of translating ability by lowering the prices paid for it. To give no more under the new law to the author and the translator, than under the old was given to the translator alone, is to mistake altogether the object of a change which was meant to increase the facilities for properly remunerating both, by protecting translations of a really high character from unequal rivalry with the indifferent or utterly worthless. We invite to the subject, therefore, a more minute attention than it has hitherto been customary to give to it. A more exacting criticism of translation as translation may at least check the incapable with some fear of censure, and cheer on the work of the really able with some small hope of a just fame.

The lights and shades of style indicate the bias of an author's mind. In describing their effacement from the

English version of this history, we have found also means to indicate what, in M. Guizot's case, the bias is. What it is, it could hardly fail to be. It requires but the opening sentence of the volumes[1] to reveal to us that the feelings of the writer are here more nearly touched than they had been by the former portion of his narrative. His account of the revolution down to the King's execution was given in a style as calm as it was clear: but here, where only the men of the Republic are before him, though he is still philosophical, still to the utmost of his ability a righteous judge, a ripple before unseen appears upon the surface of his judgment; and we cannot but think of all the interval which has passed since that first portion of his book was written. The statesman who has connected his own name in history with endeavours to preserve a king and a constitution, and who saw king and constitution swept away to make room for an ephemeral republic, holds fast, nevertheless, by a constitutional monarchy as not merely the best form of government, but, so to speak, as his own cause, and regards a republic with some sense of personal antagonism. The open expression of this, indeed, is as far as possible subdued; but not less is it discernible.

Sixty-one years ago a high-spirited young lawyer died at Nîmes on the scaffold, sentenced to death for his dislike of a republic by a court obedient to the French Republican Convention. That young man, twenty-seven

[1] "J'ai raconté la chute d'une "ancienne monarchie et la mort "violente d'un roi digne de respect, "quoiqu'il ait mal et injustement "gouverné ses peuples. J'ai main- "tenant à raconter les vains efforts "d'une assemblée révolutionnaire "pour fonder une république, et le "gouvernement toujours chancelant, "bien que fort et glorieux, d'un des- "pote révolutionnaire, admirable par "son hardi et judicieux génie, quoi- "qu'il ait attaqué et détruit, dans "son pays, d'abord l'ordre légal, puis "la liberté. Les hommes que Dieu "prend pour instruments de ses grands "desseins sont pleins de contradiction "et de mystère: il mêle et unit en "eux, dans des proportions pro- "fondément cachées, les qualités et "les défauts, les vertus et les vices, "les lumières et les erreurs, les "grandeurs et les faiblesses; et après "avoir rempli leur temps de l'éclat "de leurs actions et de leur destinée, "ils demeurent eux-mêmes obscurs au "sein de leur gloire, encensés et "maudits tour à tour par le monde "qui ne les connaît pas."

years old when his life was taken, was the father of M. Guizot. The latter was only a boy of seven at the time, but he was old enough to receive into his soul undying recollection of the murder in the name of liberty that made a widow of his mother. The decree which took away the father's life and confiscated his possessions, ordered also that his children,—the boy just named, and another little son,—should be committed to the foundling hospital, and brought up in accordance with a revolutionary law. But their mother, a noble woman, whom her eldest-born, then become a statesman and historian of European fame, saw grieving after fifty years of widowhood with fresh tears for the husband of her youth, took them with the wreck of her fortune out of France, and dwelt with them for six years at Geneva, watching carefully their education. Father and mother had been pious Protestants, firm against the pressure of religious persecution; and, open to all grave and noble influences, M. Guizot's boyhood at Geneva was full of the promise which his manhood has long since more than fulfilled. By the reflective tone of his mind, by his skill in reasoning, by a surprising aptitude for the acquisition of languages, and by a taste for historical inquiry, even so early he distinguished himself. Sent at the age of eighteen as a law student to Paris, his abilities were quickly recognised by men ready to turn them to account. His pen was soon brought into use; and his literary talents as well as industry were displayed in the publication by him, at the age of twenty-two, of his well-known *Dictionary of Synonyms*. He had begun at the same time the arduous enterprise of a translation of Gibbon, with original notes; and so prompt was the recognition of his manifest ability, that at the age of twenty-four he was made professor of modern history at the Faculty of Letters.

Through all the troubles of France during the years that ensued, M. Guizot, known as a man of the future, steadily maintained his position as a calm antagonist of whatever he believed to be anarchy. Standing between republican

and despot in the days of Bonaparte and of Charles X, with a moral courage free from display of passion, he held firm to the lesson of his life which study had strengthened in him, that the quiet reign of a constitutional king, upon a system liberally conservative, is the condition of prosperity and peace for the French people, or for any people fairly civilised. Order, with liberty, was his creed in those days; as to the present it has remained his belief that liberty must be protected by order. One of his first political pamphlets was upon Representative Government; another was upon the mode of conducting government and opposition. One of the first historical inquiries on which he entered was a discovery for himself of the origin and causes of our great Revolution. He published an account of it to the death of Charles I; and with a spirit and enterprise which has yet found no parallel in England, he completed, in no less than twenty-six octavo volumes, a translated collection of memoirs and histories relating to it. As a writer, we should not omit to add, his first commanding success was won by his elaborate lectures on the origin of Representative Government in Europe, delivered at the temporary cost of his chair when France sorely needed reliable and wise information on that matter.

At last came the revolution of 1830, and there was placed upon the French throne a ruler whose most obvious interest it plainly was, not merely to offer a determined resistance to democratic passion, but to establish a government that should be in its nature both conservative and liberal: enough of the latter to be safe, enough of the former to satisfy European statesmen. In such a course there was no man in France so fit to counsel the King and serve the country as M. Guizot. The student of history, so skilful and dispassionate, became accordingly Minister of Interior to Louis Philippe. Subsequently he gave his earnest support, though out of office, to the Ministry of Casimir Perier, and he afterwards held the Ministry of Public Instruction for nearly five years, between 1832 and 1837.

During the summer of 1840, he was Ambassador in England; at the close of that year he formed the Ministry in which he took the office of Foreign Affairs, but of which he was the virtual head; and finally, on the death of Marshal Soult, in September 1847, became its nominal as well as actual chief, and Prime Minister of France. The beginning of this career of office was employed in decisive suppression of all active revolutionary opposition to the newly-established monarchy. The middle of it saw him the successful founder of a system of national education for his countrymen, far better than anything of a similar kind hitherto attempted in Great Britain. And it is quite possible that the close of it might have placed within his power the salvation of the French throne, if, in the critical hour, a failing king had not forsaken his counsels. Monarchy fell; and the same republican wrath which had destroyed his father again beat and surged around the monarchist statesman. But whatever his failures, in theory or in action, M. Guizot never failed in probity. He never flinched from the trial of his principles; never fell from his oaths or his professions; never in his public conduct abated a jot from the work demanded of him in his secret conscience. There have been many greater statesmen, but few so altogether free from moral stain.

Yet in his own country, where republicanism has been identified with revolution, there has been no man, with of course one exception, against whom so much ill has been spoken by republicans; and he had endured from them, for many of the last years of his life as a statesman, the incessant sting of calumny. In resuming at its close, therefore, the story of a short-lived republic, he found before him the moral of the creed which for sixty years had been his private and his public enemy. Not for this reason, however, which the true scholar's spirit would disown, did he then, after the storm of his active life was over, return to the study of the revolution which earliest had engaged his attention; but because, being complete, unlike that in progress and still undetermined in France,

it admitted of a perfect scrutiny, and offered most prospect of historical instruction. The *History of the Commonwealth and Cromwell* is the second of the four parts into which he divides it (the third being that of *Richard Cromwell*, of which, by the favour of M. Guizot, the early portion is also before us); and remembering that the very pulse of its author's life beats in it, we may well be surprised to find its stroke so regular and calm.

Far from reviling our historical republicans, whose high-minded endeavours he has quite nobility enough to understand, M. Guizot points out that the experiment they made was not in their time associated with any of those ideas of mere revolt and lawlessness which have lately been connected with such attempts. Under honourable forms only, as in Italy, Switzerland, or the Netherlands, was republican government then known; and the attempt to convert the English monarchy into a republic, was, to put his idea into plain words, such an experiment as decent men might put their hands to. In the eyes of continental nations it had also a religious aspect; and though he believes it, as a republican movement, to have been a mistake, he not the less believes, that, but for the violence necessarily incident to the transition from a kingdom to a commonwealth, the scheme might have been a successful one. But, in his judgment, a republic founded upon revolution finds its works soon clogged by that property in its founders, which, calling itself and thinking itself republican zeal, is in reality nothing but revolutionary obstinacy.

Thus, as might have been expected, M. Guizot is too accurate a thinker to condemn wholly as theory that scheme of government, in the formal establishment of which both England and France, each in its own manner and degree, have failed, but not a few of whose most practical and substantial results have been left to both countries. Every way worthy of notice, indeed, is the reflection with which he opens the third section of his labours, when, in

the narrative of Richard Cromwell and his troubles, following upon that of Richard's father and his triumphs, he is about to relate the career of the revived Long Parliament. A republic, he says, when it is, among any people, the natural and true result of its social state, of its ideas and of its manners, is a Government worthy of all sympathy and respect. It may have its vices, theoretical and practical; but it honours and serves humanity, because it stimulates it to the mustering of its higher moral forces, and can lift it to a very lofty degree of dignity and virtue, of prosperity and glory. But a Republic untimely and factitious, foreign to the national history and manners, introduced and sustained by pride of spirit and the egotism of faction, is a government detestable in itself, for it is full of falsehood and violence; and it has, moreover, this deplorable consequence, that it discredits in the minds of nations the principles of political right and the guarantees of liberty, by the false application and the tyrannical use to which they are put, or the hypocritical violation they are made to suffer. Though hostile, therefore, to all crude attempts at the establishment of a Republic, we are nevertheless glad to say that no unfair measure is dealt out by the French statesman to our republican forefathers. That after all they should have failed principally because their hopes were pitched too high, is not a fact which such a man can dismiss with indifference, whatever his sense of the needs of practical statesmanship may be. He rather, Frenchman as he is, rejoices to show them to us with Mazarin hat in hand before them; spurning the fair outside of civility with which the wily French-Italian would have approached them; and finally bringing him to a frank submission, while the Queen Mother Henrietta gnashes her teeth at the recognition of "these infamous traitors."

In illustration of the kind of men whom the traitors sought out for employment, too, there stands a somewhat memorable record in their Council Book, which we can conceive appealing to M. Guizot with the same sort of

interest it still possesses for Englishmen, notwithstanding his too manifest predilection for those powers only "which "are based upon right and sanctioned by time." It is the official notice of Sir Harry Vane's and Mr. Harry Marten's visit, one March evening in 1649, armed with the authority of the Council of State of which they were members, to "the lodging of Mr. John Milton, in a small "house in Holborn, which opens backwards into Lincoln's "Inn Fields, to speak to Mr. Milton, to know, Whether "he will be employed as Secretary for the Foreign "Languages? and to report to the Council." We may feel quite sure that M. Guizot would think none the worse of the Council for this little circumstance: though we cannot quite satisfy ourselves as to the authority with which he describes the Lord Protector eager to profit by Milton's genius and ascendancy, and continuing to employ the talents thus left at his disposal by the government he displaced, but putting no faith in the wisdom of their wondrous possessor; supplying him with funds to afford liberal hospitality, at his house and table in Whitehall, to such foreign men of letters as came to visit England, but, while chief of the State, admitting him into no personal intimacy, and studiously withholding from him all public influence. Such may have been the relations of Milton and Cromwell; but we do not know the authority on which the statement rests, and what we do know of the circumstances attending the interference for the Vaudois would lead us to entertain some doubt of it.

Milton is M. Guizot's ideal of the highest of the republican statesmen, grand, but unpractical. He depicts him revelling in a dream of liberty, and taking pleasure as a poet in sublime thoughts and majestic words, without inquiring whether the world's every-day life held within it any answer to such aspirations. In his case, according to M. Guizot, abstract reasoning so far misguided a noble heart,[1] a passionate and dreamy intellect, as to render his

[1] "Un noble cœur," says M. Guizot. "A *stern but* noble heart," says his translator.

wisdom of less service than it might have been in the actual conduct of affairs. And as with him, so in less degree with the other statesmen of the Commonwealth — scholastic, theoretical republicans; in their way, too, in regard to much they took in hand, mere high-minded dreamers; and possessed, according to a foolish homely phrase, of every sense but common sense. Yet is it the belief of M. Guizot, that for the most part with a dignified reserve and an intelligent prudence these adventurous statesmen entered upon their work. The country coldly supported them, indeed, and abroad they were detested; nevertheless, as they well knew, they were not menaced, and they had otherwise much upon their side. They included men of high integrity, such as Sydney, Ludlow, Marten, Hutchinson, and Harrington; they could boast of men of the highest administrative ability, such as Vane; they were impassioned on behalf of their cause; and they were swayed throughout by no meaner or less exalted interest than that of seeing it triumph. The cause itself, too, though "peu sensée et antipathique au pays," was noble and moral; for the principles presiding over it were a faith in truth, and an affectionate esteem for humanity, respect for its rights, and the desire for its free and glorious development. But the historian thinks it was also incident to their very position that many errors should be committed, and that a too prolonged enjoyment of power in the midst of chaos should prove disastrous to some among themselves. And he shows, from the secret correspondence of the agents of Mazarin, what a number of people there were in the City who resembled a certain respectable merchant and news-writer, Mr. Morrell, eager for any sort of change, tired of a multiplicity of masters, and ready to hope better things from one than from a hundred. We want greater secrecy, wrote the thrifty Mr. Morrell, more promptitude, less speechifying, more work. In a word, three great causes were surely and steadily conspiring to the fall of the republic. There was matter both corrupt and obstructive in its lower divisions; there

was a nation, reverent of law, heavily and surely swaying back to monarchy; and, worse than all, the very heart of the republican ranks held within it a leader in their army, a man mighty in battle, born with an instinct of command, born with a genius for government, eminently practical, and utterly unscrupulous. That is M. Guizot's Cromwell.

A man who had the pitiless sagacity to see the worth of an enemy only to recognise the necessity of at once putting him out of the way, he was able not less, in the judgment of the French historian, to conceal effectually his own pride and pretensions, and carry exposed upon his sleeve only an irresistible semblance of self-denial. "No great man," exclaims M. Guizot, "ever carried the "hypocrisy of modesty so far as Cromwell, or so easily "subordinated his vanity to his ambition." So little also can M. Guizot discover of system in his mind, so little does he find him under the influence of preconceived ideas of any kind, that he believes him to have had no really fixed principles at all on questions civil or religious. But though he was not a philosopher, and did not act in obedience to systematic and premeditated views, he was guided by the superior instinct and practical good sense of a man destined by the hand of God to govern; and he possessed, above all, the consummate secret of the governing art which consists in a just appreciation of what will be sufficient in every given circumstance, and in resting satisfied with that. He had, moreover, an unerring instinct of the drift of the people by which he brought them to his side; and the historian thinks it an extreme proof of the relations he maintained, and the hopes he inspired, among persons of all ranks and creeds, that he should have been able to suggest himself as their best resource, not simply to sectaries of all sorts, —Unitarians, Jews, Muggletonians, and Freethinkers, but even to Roman Catholics and Episcopalians. Giving credit to the earliest reports which represent him as by councils and conversations feeling his way towards the

dignity of King, it was yet, according to M. Guizot, his rare faculty throughout to understand the *ne quid nimis* in the art of government; and acting upon it, bitter as the trial was, he finally denied himself the crown. He possessed, says the historian, the two qualities that make men great. He was sensible, and he was bold; indomitable in his hopes, yet never the victim of illusion.

What is thus said of the absence of system in Cromwell's ambition, let us remark, finds such striking illustration in a passage of the Cardinal de Retz's memoirs that we are surprised it should have escaped M. Guizot. Having occasion to quote the description, from that very clever book, of Vane's secret mission from Cromwell and the Council of State immediately after the victory of Worcester, when the Cardinal found the envoy a man of such "surprising capacity,"[1] the historian should not have laid down the volume, we think, without reproducing from a somewhat later page one of the shrewdest of all its hints for statesmen, embodied in the following memorable dialogue. The Cardinal is talking, during Cromwell's protectorate, with the First President of the Parliament of Paris, M. de Bellièvre. "I under-" stand you," says the President at a particular point of their argument, "and I stop you at the same time to tell "you what I have learnt from Cromwell." (M. de Bellièvre, interposes the Cardinal, had seen and known him in England.) "He said to me one day, that *One* "*never mounted so high as when one did not know where* "*one was going.*" Whereupon says the Cardinal to the President, "You know that I have a horror of Cromwell; "but however great a man they may think him I add to "this horror, contempt, for if that be his opinion he seems "to me to be a fool." The Cardinal proceeds to tell us

[1] An admission, we may observe, of which the French editors have hitherto done their best to deprive the great English republican by invariably printing his name (even down to the last and best edition of MM. Michard and Poujoulat, which restores the suppressed passages, and from which we quote), as *Vaire*, *Vere*, or *Vainc*.

that he reports this dialogue, which is nothing in itself, to make us see the importance of never speaking of people who are in great posts. For Monsieur the President, returning to his cabinet where there were several people, repeated the remark without reflection, as a proof of the injustice which was done their friend the Cardinal when it was said that *his* ambition was without measure and without bounds. All which was straightway carried off to my Lord Protector of England, who remembered it with bitterness, and took occasion not long after to say to M. de Bordeaux, the Ambassador of France at his Court, *I know only one man in the world who despises me, and that is Cardinal de Retz.* "This opinion," adds the penitent Cardinal, "had very nearly cost me dear."

The truth is, that Cromwell's remark by no means deserved the contemptuous comment of De Retz. It is not at all so necessary, as the Cardinal appears to think, that a man who is about to mount high should have systematically arranged beforehand to what exact height he shall mount. It may be true that in all ambitious men there will necessarily be some calculation, and something of a preconceived plan; but it may be fairly doubted whether to constitute such a man of the first order, there must not also be a yet larger amount of passion to outstrip and go beyond the calculation. In short, to whatever extent particular plans and arrangements may contribute intermediately to success, it must ever be a condition of the highest success not to be finally bound by them. Between the fixity of all men's designs and the uncertainty of their destiny, there is an interval so large and vague, that it is there the highest order of genius will probably most often find its occasions and means, its power and opportunity; and we think it very certain that wherever the highest has been reached to which it was possible to attain, the courage to undergo a risk must at least have been as great as the patience to profit by a plan. We go farther in Cromwell's case, for we are very certain he began with no plan at all but a

zeal for what he honestly believed to be God's truth, and for the establishment of a government that should be according to God's will.

Who that is at all acquainted with his entire history will believe, that when the final summons of array reached him, he knew, as he buckled on his sword, whither he was going? He had lived for nearly forty years the useful unassuming life from which parliamentary duties first called him away, cultivating his native acres in the eastern fens, tilling the earth, reading his Bible, assisting persecuted preachers, and himself kneeling daily with his servants around him in exhortation and prayer. When he went up with Hampden to take his seat in the Long Parliament, he was by birth a gentleman, as he described himself ten years later to the first parliament of the Protectorate, living at no great height, nor yet in obscurity. He had not been without the means, that is, of challenging distinction, if such had been his wish. He had been dragged before the Privy Council[1] without claiming the honours of a martyr, and he had led an agitation against the great lords of his county without aspiring to the rewards of a hero. In resisting a particular grievance he had made himself the most popular and powerful man in all that district of the fens; but, satisfied when the work was done, he had sought no further advantage from the popularity and power acquired in doing it. Certainly this, too, is uniformly the character of his early exploits in the war. All that appears essential to him is that he must actually *do* the work he has in hand, and to this he is bent exclusively. When, in conversation with his cousin Hampden at the close of the first doubtful year of the conflict, he threw out the remark which contained the germ of all his subsequent victories, who will believe that his thoughts were travelling beyond the duty and

[1] This curious and hitherto unknown incident in his career was lately discovered in a search among the registers of the Privy Council by that most intelligent and able of antiquaries, Mr. John Bruce, and by him communicated to the *Athenæum* of the 13th of October, 1855.

necessity of the hour? His experience in the field had taught him why it was the royalists gained upon their adversaries in battle, and he at once declared that it would not do to go on enlisting "poor tapsters and town-" apprentice people" against well-born cavaliers, but that, to cope with men of honour, men of religion must be enrolled. When he expressed this design to Hampden, it might be said that, on the instant, the whole issue of the war was determined; but is it necessary to suppose him carrying his own thoughts so far? When he proceeded to organise his God-fearing regiment of Ironsides, is it conceivable that he cared, or was troubled to anticipate, to what a destiny they might bear himself? Clarendon has made it a reproach against him that on one occasion he said he could tell what he would *not* have, but not what he would have; but was not this only another expression of the thought, that he had no concern but the duty of the hour, no wish but to do it *in* the hour, and that he knew not and cared not whither it might lead him?

As time went on, indeed, as he commanded armies, won battles, and saw himself indisputably the first soldier and captain in the war, to direct and govern men became clearly as much a part of his no longer avoidable duty, as any commonest avocation that had occupied him on his Ely farm. With this, too, let it also be admitted, there must of course have opened upon him that wider range of worldly opportunities to which, whether they shape themselves to ambition or any other inclination of the mind, it is so easy to give the name, or to make available under the sanction, of duty itself. Doubtless to many such temptations Cromwell yielded. In his religious creed he is said (we must confess on what seems to us very doubtful authority) to have held the somewhat dangerous doctrine, that having once been in a state of grace it was not possible to fall from it; and from time to time, if this were so, it must insensibly have relaxed to him even the restraints of religion itself. But that there was any con-

scious hypocrisy in his language, or any settled scheme of mere ambition in his conduct, we find it difficult to believe. Higher and higher as he was mounting, still to the last he might have asked himself *Whither*. When at the close of the war he appears heaped with all the favours a grateful people and parliament could bestow, there is yet not one which had not fallen to him naturally, or that it would not have been monstrous as well as foolish to deny to him. Every step of the ascent had been solidly and laboriously won; he stood upon it as of right; and surely no man ever rose so high with less of what we must call usurpation. In the honours paid to him, in the very trappings of state thrown over him, when he left London upon his last campaign and returned with the final victory, there was not a man in the popular ranks, of however rigid and ascetic public virtue, who might not feel that he was also himself participating as in a gain and glory of his own. When the Lord General passed out of the city in his coach, drawn by six gallant Flander's mares, whitish gray, and "with colonels for his life guard such as the world "might not parallel," it may be very doubtful if less would have satisfied the most exacting republican whose claims and whose power he then and there represented. When he returned in a more than regal triumph, receiving homage from the populace, halting to hawk with the gentry, and presenting horses and prisoners to the parliamentary delegates appointed to give him welcome, it was yet but the glory of their common country which all men were content to see reflected in the ceremony and the pomp which surrounded him.

Should it be matter of blame, then, that still he rose to the occasion which called him, and that even this position did not take him unawares? As he farmed at Ely and St. Ives, as he fought at Marston Moor and Naseby, so now he fell into his allotted place as Milton's "chief of men." Such is the sum of reproach with any fairness up to this date to be imputed to him. "This man will be King of England "yet," said the Rev. Mr. Peters inwardly to himself, as

he observed at the time, in his air and manner, an indescribable kind of exaltation. Sir Philip Warwick afterwards observed it too; and, being entirely at a loss to reconcile so "great and majestic a deportment and comely pre-"sence" with what he remembered of his very ill-made apparel, and not very clean or sufficient linen, when he first heard him speak in the parliament-house twelve years before, is much disposed to attribute the change to the fact of his having meanwhile "had a better tailor and "more converse among good company." The same difficulty occurs even to Clarendon, who more shrewdly dismisses it with the remark, that "his parts seemed to "be raised, as if he had concealed his faculties till he "had occasion to use them." But we shall not ourselves have any difficulty at all, if we simply believe of such a man that only the occasion for use would ever tempt him to the assumption or display. A readiness for the duty of the hour, and no restlessness beyond it, would seem to be the lesson of Cromwell's life, whatever part of it we examine; and if we think the forcible dissolution of the Long Parliament an interruption to the temperate wisdom which generally guided him, it is because we feel that without it the supreme power must nevertheless have been his, unattended by the difficulties in which the consequences of that act involved him. At the very last, he said himself, he was doubtful about doing it; but another and stronger impulse got the mastery over him. "When I went there," he told his council of officers, "I did not think to have done this. "But perceiving the spirit of God so strong upon me, "I would not consult flesh and blood." And so we arrive again at what he told Monsieur the President de Bellièvre, that *One never mounts so high as when one does not know where one is going.*

But M. Guizot would attach little importance to that stronger impulse which the Lord General there professed to have over-ruled him. We do not know that anything has impressed us more throughout his book than its

extremely partial and imperfect recognition of the religious element, which formed so large a portion not merely of Cromwell himself, but of the entire English Revolution. Doubtless it arises from the fact that this element, so necessary in the study of it, lies too far away from those evils which dwell insensibly and most strongly upon the historian's mind, and from which his study of these great events in our history had deliberately or unconsciously arisen. He is even careful to hint his belief, more than once, that there were in those days more infidels in England than we commonly suppose. It is curious to contrast his view in this respect with that of another French writer, M. de Lamartine, who, regarding Cromwell from the thick of French republicanism, has very partially and confusedly, but as he believes wholly, accepted Mr. Carlyle's interpretation, and informs his countrymen that Cromwell was a fanatic. M. Guizot, accustomed through his own life to submit to the dictates of a calm unostentatious piety all public actions, and not unfrequently reminding his reader that a Divine Providence is ordering and disposing the affairs of States, yet cannot see in Cromwell either fanatic or chosen man of God. In no part of his history of Oliver do we find any swerving from this view, and subsequent and very recent reflection appears only to have confirmed him in it. In the whole of his account of Richard Cromwell there is no more striking passage than that in which, describing the respective positions occupied by the followers of Oliver and the advocates of the Republic, he again expresses forcibly the distinction between the purely worldly character of the Protectorate and the Divine purpose it was called to fulfil. The Cromwellians under Richard, he says, rather by experience and political instinct than by any principle clearly comprehended or defined, did not think that the people should be held sufficient to constitute the entire Government, or that it had the right to unmake and reconstruct it at its pleasure. In their opinion the Government required, for the maintenance and good order

of society, some base independently subsistent, recognised by the people, but anterior, and in a certain degree superior, to its shifting will. Originally conquest, afterwards the hereditary principle in monarchy, and the preponderance of great landowners, had created in the English Government such power, independent in itself, immovable in right, and indispensable to society. By the course of things, however, the territorial proprietorship had in part changed hands, and, by its own faults, the hereditary principle of monarchy had succumbed. But God then raised up Oliver, and gave him the power with the victory. Conqueror and actual master, surrounded by his comrades in war, and treating with a house elected by the people, he had been able to found, for his successor as for himself, the Protectorate and its Constitution; and thus was provided that anterior and independent power, born of events, not of the people's will, and which the people should be held as little able to destroy according to its fancy, as it had been able of its motion to create. This great fact, therefore, accomplished upon the ruins of the ancient monarchy, and in the name of necessity, by the genius of a great man sustained by God, it became the duty of all men to recognise and accept; and, from the uniform tone of his reasoning, it is manifest that the historian himself would so have accepted it, though he sees that it carried with it also the seeds of failure inseparable from its revolutionary origin.

He thus in a great measure excludes from consideration that particular element in Cromwell's idea of Government which led him, in the re-constitution of the State with a view to that bequest to his successor, to be indifferent whether it was republican or monarchical in its political form, provided only that, above all things, it was godly in its spirit. Yet a sound perception of this might have led him to far more just conclusions as to the views also held by Cromwell in regard not only to his system of rule during life, but to the very succession he desired to leave after him. Upon a close examination

it would be found, we suspect, that his true ideal was among the Jewish forms of government disclosed by the sacred book, even such as showed, in the midst of the petty kings of Moab and Edom, the free people of Israel, without a king, living majestically. The grand old Hebrew Judges would be perhaps his nearest model. But M. Guizot will not recognise anything of this. M. Guizot thinks his mind was great, because it was just, perspicacious, and thoroughly practical; but of this greatness he does not find that religion formed an essential part, or contributed to it in any material way. He avoids, indeed, all commonplace abuse. He knows that in Cromwell's day the open use of scriptural language was no more synonymous with cant, than republicanism with discord; but in both cases he appears to think that the one had a tendency to beget the other, and he accepts Cromwell's reported comment to Waller on a dialogue with one of the saints ("we must "talk to these men in their own way"), as a fair hint of the value of his piety. It was no more than one portion, and not the chief, of his state craft. Even the rapt and exalted fervour of his address to what we may call the assembled saints in the Barebones Parliament, M. Guizot attributes to those instincts on the part of a profound genius anxious to derive, as though immediately from God, the pretended supreme power which he had himself established, and the inherent infirmity of which he already perceived. We certainly cannot but regard as extremely remarkable the grave indifference with which the French historian is thus able to set aside, as only one of many means towards a worldly end, the fervent vein of scriptural thought and feeling which runs not alone through every deliberate work of Cromwell's, but which tinges also his every lightest act, and, in his private as in his public utterances, is that which still makes most impressive appeal to all who would thoroughly investigate his character.

For this we hold to have been finally established by Mr. Carlyle, and to constitute the peculiar value of his labours in connexion with the subject. To collect and

arrange in chronological succession, and with elucidatory comment, every authentic letter and speech left by Cromwell, was to subject him to a test from which falsehood could hardly escape; and the result has been to show, we think conclusively and beyond further dispute, that through all these speeches and letters one mind runs consistently. Whatever a man's former prepossessions may have been, he cannot accompany the utterer of these speeches, the writer of these letters, from their first page to the last, travelling with him from his grazing lands at St. Ives up to his Protector's throne; watching him in the tenderest intercourse with those dearest to him; observing him in affairs of state or in the ordinary business of the world, in offices of friendship or in conference with sovereigns and senates; listening to him as he comforts a persecuted preacher, or threatens a persecuting prince; and remain at last with any other conviction than that in all conditions, and on every occasion, Cromwell's tone is substantially the same; and that in the passionate fervour of his religious feeling, under its different and varying modifications, the true secret of his life must be sought, and will be found. Everywhere visible and recognisable is a deeply interpenetrated sense of spiritual dangers, of temporal vicissitudes, and of never ceasing responsibility to the Eternal. "Ever in his "Great Taskmaster's eye." Unless you can believe that you have an actor continually before you, you must believe that this man did unquestionably recognise in his Bible the authentic voice of God; and had an irremovable persuasion that according as, from that sacred source, he learned the divine law here and did it, or neglected to learn and to do it, infinite blessedness or infinite misery awaited him for evermore.

It is also clear to us from the letters, with only such reservation as we have already intimated, and after the large allowance to be made in every case for human passion and frailty, that Cromwell was, to all practical intents, as far removed on the one hand from fanaticism,

as, on the other, from hypocrisy. It is certainly not necessary that we should accept it as proof of fanaticism, that, on the day before setting out to the war with Scotland, he enlarged to Ludlow upon the great providences of God then abroad upon the earth, and in particular talked to him for almost an hour upon the hundred and tenth psalm. We have but to remember it as the psalm in which God's promise was given to make his enemies his footstool, to make his people willing, and to strike through kings in the day of his wrath,—to understand why Cromwell so recalled it on the eve of his last entrance into battle. It is as little necessary that we should accept, as proof of hypocrisy, the proof M. Guizot offers of his rejecting and even ridiculing the report set about by the fanatical officers after the dissolution of the Parliament, to the effect that he had undergone special and supernatural revelations. "The reports spread about "the Lord General," writes M. de Bordeaux to M. de Brienne, "are not true. He does not affect any special "communication with the Holy Spirit, and he is not so "weak as to be caught by flattery. I know that the "Portuguese ambassador having complimented him on "this change, he made a jest of it." But the French ambassador does not omit to accompany his statement with a careful tribute to the Lord General's zeal and great piety. Nor do we think M. Guizot justified in the belief he appears to entertain, that Cromwell's toleration of differences in religion proceeded from the merely politic spirit, and was due only to his wisdom as a ruler of men. To his profound knowledge of the art of government may indeed be referred such projects as were started in the Protectorate,—for a synod to bring the different sects into peaceful agreement, for ensuring a complete legal toleration to the Jews, and for receiving in England even a bishop of the Church of Rome to preside over the religious communion of the Catholics. But from the depth of true piety in his own soul must have proceeded that larger personal charity, which was so ready, with

listening ear and helping hand, for any form of honest belief that claimed from him sympathy and protection. Let any one read his noble correspondence with the governor of Edinburgh Castle, when, having defeated the army of the Covenant in battle, he proceeded in argument to overthrow its preachers—and entertain any further doubt of this if he can. Those are the incomparable letters in which he reasoned out a perfect scheme of sublime toleration; in which he vindicated the execution of Charles Stuart as an act which Christians in after times would mention with honour, "and all tyrants in "the world look at with fear;" in which he warned the Presbytery that their platform was too narrow for them to expect "the great God to come down" to such minds and thoughts; in which he told them that he had not himself so learned Christ as to look at ministers as lords over, instead of helpers of, God's people; and in which he desired them specially to point out to him the warrant they had in Scripture for believing that to preach was *their* function exclusively. "Your pretended fear lest "error should step in, is like the man who would keep "all the wine out of the country lest men should be "drunk. It will be found an unjust and unwise jealousy "to deprive a man of his natural liberty upon a suppo-"sition he may abuse it. When he doth abuse it, judge." And then, within some six months or so, Edinburgh having meanwhile surrendered, and the Presbytery, recovered from its sulks, having accepted permission again to open its pulpits, you see this same Cromwell respectfully himself attending their services and sermons, and taking no other notice of the latter being specially directed against himself and his fellow "sectaries," than to desire friendly discourse with the ministers who had so railed against them, to the end that, if possible, misunderstandings might be taken away.

Neither had Cromwell, before he evinced this spirit, waited until authority fell to him as Lord General, at which time, in M. Guizot's view, considerations altogether

politic and worldly began largely to operate with him. There is a very remarkable letter decisive as to this, which the *Gentleman's Magazine* first published three quarters of a century ago, but which Mr. Carlyle has been able to confirm by proof and adjust to the right place in his life,—the year after the battle of Naseby. Not long before the date of it, he had entered Ely cathedral while the Reverend Mr. Hitch was "performing" the choir service, and with a "*leave off your fooling, and* "*come down, sir*," had turned the reverend gentleman sheer out of the place, intoning, singing, and all. But this was because Mr. Hitch had become a nuisance to a godly neighbourhood, and had treated with deliberate disregard a previous warning of Oliver's to the very plain and legible effect, that, "lest the soldiers should in "any tumultuous or disorderly way attempt the refor- "mation of the cathedral church, I require you to forbear "altogether your choir service, so unedifying and offen- "sive; and this as you shall answer it, if any disorder "should arise thereupon." And notwithstanding the prompt procedure by which he kept his word in this case, he shows himself, in the letter we have named and are now about to quote, not less ready to protect any honest people differing completely from himself in regard to choir or other services, provided always they so exercised their unedifying faith as not to be offensive to others. He intercedes with a Royalist gentleman, in the adjoining (Norfolk) county, for liberty of conscience to certain of his tenants. "And," he writes, "however the "world interprets it, I am not ashamed to solicit for such "as are anywhere under pressure of this kind; doing even "as I would be done by. Sir, this is a quarrelsome "age, and the anger seems to me to be the worse, where "the ground is difference of opinion; which to cure, to "hurt men in their names, persons, or estates, will not be "found an apt remedy." Over and over again he insists and enlarges on these views. He started life with them, and they remained with him to its close. Over and over

again he used the noble language which was among the last he addressed to the last parliament that assembled in his name. He would have freedom for the spirits and souls of men, he said, because the spirits of men *are* the men. The mind was the man. If that were kept pure and free, the man signified somewhat; but if not, he would fain see what difference there was betwixt a man and a beast. Nay he had only some activity to do some more mischief. Upon these principles he would have established, and connected inseparably, government and religion.

The religion which teaches us our duty to others is not very likely to fail us in regard to ourselves. Watch Cromwell in any great crisis of his life, and judge whether the faith he held could have rested on any doubtful or insecure foundation. Take him at the moment of his greatest triumph, or in the hour of his darkest peril, and observe whether the one so unduly elates or the other so unworthily depresses him, as to cause him to lose the sense either of his own weakness or of his Creator's power, either of the littleness of time or of the greatness of eternity. In the very majesty of his reception after the Worcester battle, "he would seldom mention anything "of himself," says Whitelocke, describing their meeting at Aylesbury; "mentioned others only; and gave, as was "due, the glory of the action unto God." In his last extremity at Dunbar, when Lesley, with an army of double his numbers, flushed with victory, had so hemmed him in with his sick, starving, and dispirited troops, as they retreated and were falling back upon their ships, that, to use his own expression, "almost a miracle" was needed to save them, there is, in the tone of the letter he sent to Haselrig on the Newcastle border, such a quiet and composed disregard of himself, such a care only for the safety of the cause, such a calm and sustained reliance upon God, as we doubt if the annals of heroism can elsewhere parallel. "Whatever becomes of us," he wrote, "it will be well for you to get what forces you can to-"gether; and the south to help what they can. If

" your forces had been in readiness to have fallen upon " the back of Copperspath, it might have occasioned sup- " plies to have come to us. But the only wise God knows " what is best. All shall work for good. Our spirits " are comfortable, praised be the Lord; though our " present condition be as it is. Let Henry Vane know " what I write. I would not make it public, lest danger " should accrue thereby."

Whatever else might desert this man, hope and faith never did. There was one who stood afterwards by his death-bed, while a worse storm shook the heavens than even that which had swept along the heights of Dunbar, and who recalled these days in testimony of the strong man he had been. " In the dark perils of war, in the " high places of the field, hope shone in him like a pillar " of fire, when it had gone out in all the others." Nor in the high places only, but in the solitude or service of his chamber, he impressed in like manner all who had intercourse with him. It was ever they who stood nearest to him who had reason to admire him most; and to the eyes even of valets and chamber-grooms, the heroic shone out of Cromwell. It is from one who held such office in his household we have a picture of him handed down to us which Vandyke or Velasquez might have painted. A body well compact and strong; his stature under six foot (" I believe about two inches "); his head so shaped as you might see it both a storehouse and shop, of a vast treasury of natural parts; his temper exceeding fiery (" as " I have known "), but the flame of it kept down for the most part, or soon allayed with those moral endowments he had; naturally compassionate towards objects in dis- tress, even to an effeminate measure, though God had made him a heart, wherein was left little room for any fear; " *a larger soul, I think, hath seldom dwelt in a house of* " *clay than his was.*" What Englishman may not be proud of that written portrait of Oliver Cromwell, still fresh from the hand of worthy Mr. John Maidstone, cofferer and gentleman-in-waiting on the Lord Protector of England?

Of the general estimate of him formed by the French historian little more need be said. There is much we might further make objection to; but compressed and brief as our summary of M. Guizot's views has been, it will perhaps be understood with sufficient reservation. He does not reject the stories of the Irish massacres, though they are unwittingly refuted even by Cromwell's most eager enemies, the Irish priests, in the Clonmacnoise manifesto. He retains, on authority very decidedly questionable, a great many reports which would tend to suggest ill thoughts of the Protector. But to the full worldly extent of the term, his Cromwell, whether before or after the Protectorate, was one of the great men of the earth. He is under the influence of ambition, but it is an ambition generally qualified, and often exalted, by the state necessities to which it bends. The question that so early arose between him and the Long Parliament, M. Guizot calls the beginning of a duel, which he holds that neither party engaged in could avoid forcing on to its close. Of one or other of them, he believes it became the duty *cedere majori;* and from the tone of his reasoning we are left to infer also his belief, that in the latter days of the struggle it could not but occur to the Parliament, while claiming over Cromwell a nominal supremacy, to feel the sting of the last portion of the epigram, *Illa gravis palma est, quam minor hostis habet.* One very interesting point we think certainly very clearly established by his researches to illustrate the details he gives of this contention. He shows more decisively than any previous historian that Cromwell, before the republic fell by his hand, was indisputably the first man in it; not simply in right of his victories, but by the administrative genius he had displayed, and by the light in which the foreign courts already regarded him. At the same time, as it seems to us, he fails himself to attach sufficient importance to this; and perhaps generally somewhat underrates the influence and connexion of foreign policy with the domestic administration of England at the period.

But the mistake, if it be one, does not stint the details M. Guizot gives, which open to us the manuscript treasures of the Hague, and the unpublished archives of the French foreign office, as well as those of Simancas in Spain, and pour upon this part of his great subject a flood of steady and original light. His volumes thus include details of various confidential missions, and much other matter of the highest interest, of which the most essential portions are given complete in a copious appendix. That we should always admit their evidence in exactly the light in which M. Guizot seems disposed to accept it, we of course do not find to be necessary. Although M. Croullé on the part of France, and Don Alonzo de Cardeñas on the part of Spain, both express and act upon opinions of Cromwell's character which agree generally with the judgment formed of it in M. Guizot's book, it may yet with perfect fairness be said that neither a gentleman from the court of Philip IV, nor a gentleman from the court of Louis Quatorze bound to the policy of a statesman of the stamp of Mazarin, were very likely to understand an exalted zeal like Cromwell's, assuming it to have been always what it claimed to be. Putting aside such feats of policy, however, as an alleged deliberate sowing of discord for state purposes between the absent king and his brothers, and some few other acts justified only by the too freely permitted distinction between private and political morality, especially in foreign relations, there is nothing in these new discoveries of which any defender of Cromwell has need to be ashamed, and there is a vast deal to confirm very strikingly the sense of his greatness.

We give a few examples. Before the time of the Protectorate, by the chief statesmen of both parties in the war of the Fronde then raging in France, the upward course of the great leader of the popular party in England had been watched with anxiety and dread. Both feared and hated him; yet such was their position in regard to Spain, and each other, that his friendly countenance to either was become of inexpressible value. He had

hardly arrived in London after the battle of Worcester, when, in answer to overtures from De Retz at the instant of the brief triumph which preceded that statesman's fall, he sent Henry Vane with a letter to him (a striking proof that up to this time, that "great parliamentarian and "intimate confidant of his," as the Cardinal describes him, could have had no suspicion of any blow meditated against the parliament); and this also is the date when Mazarin, affecting to put a friendly construction upon rumours that had reached him of a proposed expedition of Cromwell's into France, eagerly suggests to M. Croullé through M. Servien that if at the close of his Scottish campaign "Mr. Cromwell should come into France, being "as he is a person of merit, he will be well received here, "for assuredly every one will go to meet him at the place "where he disembarks." Of course M. Croullé promptly disabuses his master of any notion of expecting that kind of neighbourly visit; but, in also contradicting the report that any hostile intentions were entertained to France, he is careful to reproduce for the Cardinal the haughty terms in which Cromwell himself was said to have denied it. "Looking at his hair, which is already white, he said that "if he were ten years younger there was not a king in "Europe whom he could not make to tremble, and that, "as he had a better motive than the late king of Sweden, "he believed himself still capable of doing more for the "good of nations than the other ever did for his own "ambition."

Nevertheless it was while overtures were on all sides secretly going on, and still during De Retz's brief predominance, that the double-faced Mazarin thus wrote from his place of exile at Bruhl to discredit De Retz with the queen. It was probably written at the very moment when the coadjutor himself was attempting to justify his intercourse with Vane on the express ground of what he calls Mazarin's "base and continual" flattery of Cromwell. "The coadjutor has always spoken with veneration of "Cromwell, as of a man sent by God into England,

"saying that he would raise such men also in other "kingdoms; and once in good company, where there was "Ménage present, hearing the courage of M. de Beaufort "extolled, he said in express terms, *if M. de Beaufort is "Fairfax, I am Cromwell.*" We subjoin a portion of M. Guizot's comment, which we need hardly say we have translated for ourselves.

"Mazarin excelled in poisoning, for the ruin of his enemies, their actions or their words, and at the same time in taking to himself impudently their examples and their weapons. While he thus showed to the queen's eyes, as a crime in the coadjutor, his opinion of Cromwell, he laboured himself to enter with Cromwell into close relations. Too shrewd not to recognise that in that direction, in England, lay the capacity and power,[1] it was to the future master of the republic, no longer to the republican parliament, that he made his advances. Cromwell lent himself to them willingly; he too was incessantly bent on making to himself powerful friends everywhere. 'He adroitly leaves to others the 'conduct and care of whatever begets outcry,' said, in 1650, Croullé to M. Servien, 'and reserves to himself affairs that confer 'obligation; concerning which at least he sets rumour afloat, in 'such manner that if they succeed they may be attributed to him, 'and if not that one may see he willed them well, and that the 'result came of hindrance from others.'"[2]

We cannot quote all the details of the overtures that thus began, curious and impressive as they are, but through none of them, the reader soon perceives, was Mazarin a match for Cromwell. The great soldier and statesman, though with his own predilections hampered by the prejudices of his country, and standing between the intrigues

[1] "*Trop sagace pour ne pas recon-"naitre que là étaient, en Angleterre, "l'habileté et le pouvoir.*' According to the translator, "Too sagacious not "to perceive that in him were centred "all the power and ability then "existing in England."

[2] A letter to Mazarin from the Count d'Estrador is added, in which, though the date is the 5th of February, 1652, the title of Protector is given to Cromwell. Of course therefore M. Guizot is careful to remark, in a note, that as the letter and its date are beyond question, the title of Protector must have been intercalated some years afterwards; but his translator does not think it worth while either to translate this note, or explain the confusion it was intended to remedy; and in subsequently giving the note of June '53, quoted in the text, he appends to its signature the title (P.) which its very contents should have shown him did not then belong to the writer.

of the rival Courts of France and Spain, yet knew how to play his game with perfect safety, and to obtain substantially all that he desired. All through the negotiations that ensued, however, two things are very obvious in his far-sighted policy. He had not simply to adjust the balance in Europe, at that time overweighted by France; but he had to look to the safety and stability of his own recently settled government, more in danger from so near a neighbour as France, than from one so distant as Spain. Here will be found the real clue to his wonderful management of these two powers, and to the measures by which he had been able to establish so potent and singular an influence in the heart, and over both the parties, of the neighbour kingdom. Up to the time of the expulsion of the Long Parliament, no alliance had been absolutely concluded with either France or Spain; though at the moment of its expulsion, Bordeaux was under the impression that a treaty with it, on the part of the statesman he represented, was on the point of being happily concluded. But already Mazarin had been obliged, even without deriving any immediate advantage from the step, formally to recognise the Republic and its leaders; and with hot haste, as soon as the Long Parliament was dissolved, the Cardinal of course easily betook himself to the power that remained triumphant. "Mazarin," writes M. Guizot, "always pro-
" digal of flattering advances, wrote to Cromwell to offer
" him, and ask from him, a serviceable friendship. Crom-
" well replied to him with a rare excess of affected hu-
" mility." And then follows a little note, concerning which Mr. Carlyle, believing it to exist only in the form of a French translation made by Mazarin, remarked, that "it
" would not be wholly without significance if we had it in
" the original." Here it is in the original.

" *Westminster, 9th of June,* 1653.

" It is surprise to me that your Eminency should take notice of a person so inconsiderable as myself, living (as it were) separate from the world. This honour has done (as it ought) a very deep

impression upon me, and does oblige me to serve your Eminency upon all occasions, so as I shall be happy to find out. So I trust that very honourable person Monsieur Burdoe [Bordeaux] will therein be helpful to

"Your Eminencie's
"Thrice humble Servant,
"O. CROMWELL."

The historian calls this a rare excess of affected humility; but after all what is there more, in the counterfeit humility, than such a reply to a compliment as every gentleman in England makes every week in some form to somebody. "You do me too much honour. "There is nothing that I would not do to serve you, Sir. "Good morning."

There is never in truth any affected humility, but rather a contempt very thinly covered, if not openly avowed, on the part of Cromwell to Mazarin; nor does this find anywhere more characteristic expression than in the evidence M. Guizot incidentally gives us of the sort of gifts they interchanged. While Mazarin sent over regal presents of tapestry, wine, and Barbary horses, Cromwell, familiarly and half contemptuously confident that he had to do with a man more avaricious than vain, would return such compliments by forwarding so many cases of pure Cornwall tin. As to their public intercourse throughout, the historian sees that it was but a constant interchange of concessions and resistances, services and refusals, in which they ran little risk of quarrelling, for the simple reason that they mutually understood each other, and did not require from one another anything that could not be denied without doing greater injury than the grant would do service; but it was after all a kind of equality in which the personal predominance undoubtedly remained with Cromwell. It is he whom it is manifestly impossible, throughout, either to intimidate or deceive; and though it was no small art on Mazarin's side, as soon as he saw this, to affect to meet his adversary with the same simple frankness, there can hardly be a question which plays the

greater figure, he who possessed the art, or he who always reduced its possessor to the necessity of practising it.

Of Cromwell's first effort after the dissolution of the Long Parliament to govern with the help of the men who had been parties to that act of violence, the result, according to M. Guizot's view, was to show him that reforming sectaries and innovators, though useful instruments of destruction, are destructive to the very power they establish; and that the classes among whom conservative interests prevail are the only natural and permanent allies of authority. Yet he had no choice but to renew his efforts in the same direction, with what help such experience could give; for the French historian has satisfied himself that his honest desire was so far, by any possible means, to place himself in subordination to English law, as to obtain co-operation from a fairly-chosen Parliament that should consent honestly to assist him in establishing a Cromwell dynasty of kings, and in restoring, with the monarchy, the ancient form of lords and commons. But still his attempts were unavailing. He could not restore what he had so helped to destroy. Amid the ruins which his hands had made, he was doomed to see the vanity of those rash hopes, and to learn that no government is, or can be, the work of man's will alone. In the endeavour to obtain such a Parliament as the old usages of England sanctioned, he raised up more than one semi-constitutional assembly; but merely to destroy it when it disappointed him, and with it, as he well knew, his only safe means of taxing the people he would govern. The money needful for State purposes thus failing him, he was at last driven to the expedient pronounced by M. Guizot to be the political act which caused his ruin—the establishment of Major-Generals to levy tithes on the revenues of the royalists. By this unjustifiable act, M. Guizot declares that he detached his glory from the cause of order and peace, in the name of which he had begun to found his throne, and plunged his power down among the depths of revolutionary violence. "He invoked," says the consti-

tutional historian, "necessity; and without doubt thought "himself reduced to that: if he was right, it was one of "those necessities inflicted by God's justice, which reveal "the innate vice of a Government, and become the sen- "tence of its condemnation."

From this time to the end, M. Guizot is of opinion that Cromwell was thoroughly conscious of the weakness with which he was smitten by his own deed, and that it was upon feeling in all directions for support he at last perceived his surest prop to be the advocacy of liberty of conscience. Of the formal discussion which he afterwards raised with his friendly Parliament on the question of his assuming royal state, the historian speaks as of a comedy performed for the instruction of the nation. It was designed to make men familiar with the topic, and to scatter abroad a variety of arguments in its favour; but the interference of the army brought the comedy to an unwelcome end. Cromwell resigned the name of king; and with it, the historian appears to think, any power of retaining much longer the kingly authority. He had arrived at the slippery height on which to stand still was impossible, and there was no alternative but to mount higher or to fall. Even his great heart failed him. He now saw, that, die when he might, he must be content to leave behind him for his successors the two enemies he had most ardently combated, anarchy and the Stuarts; and M. Guizot's comments leave it to be inferred as his opinion, that had he long survived the discomfiture which embittered his last months, even his political position might have been seriously endangered. He died, however, in the fullness of his power, though *sorrowful*. "Sorrowful not only because he must die, but "also, and above all, because he must die without having "attained his true and final purpose."

But that his, nevertheless, was the strong resolve which exclusively upheld the State as long as life remained to him, M. Guizot shows nowhere so emphatically as in the description of the Protectorate of his son. The weak purpose of Richard being substituted for his father's iron

will, every party again became loud in the assertion of his own particular theory; "accomplices became rivals;" and soon, in the stormy sea of faction, the good ship of the Republic drifted an utter wreck. Then were seen, according to the historian, the faults both of the pure republicans and of the adherents of Cromwell revenging themselves upon their authors. For what more easy than the way at last appeared to be, to a firm establishment of Richard Cromwell's government? Whatever his infirmities of character, he was disliked by none. M. Guizot quotes golden opinions expressed of him by all sorts of people, and points out that the whole private interest of the members of his first Parliament lay in the assurance of his power, and with that also of their own prosperity. He describes the Government as having no design and no desire of tyranny; Richard himself as naturally moderate, patient, equitable; and his counsellors, like himself, as demanding nothing better than to govern in concert with the Parliament, and according to the laws. What, then, so natural or so reasonable, as for all men who had not vowed their hearts to the old royal line or to the pure republic, to accommodate themselves to the *régime* established, and to live, by common consent, tranquil and safe under the new Protector? But it was not to be. Though their empire had vanished, their obstinacy remained unenlightened and unsubdued. Detested as oppressors, and decried as visionaries, they retorted by accusing their country of ingratitude, and battled vainly against the successive defeats which they knew not that the hand of God was inflicting. But though they could not build they could destroy, and so the second Protectorate passed away.

Yet let us not leave the reader under any doubt whether a full or a stinted measure of justice is done by the historian to what was really successful as well as great in the policy of the first Protectorate. It is on every account our interest to give M. Guizot further hearing as to this, since it enables us to give also further indication of the

very valuable original illustrations contributed by his book to our English annals.

M. Guizot describes the foreign policy of Cromwell as based on two fixed ideas,—peace with the United Provinces and the alliance of the Protestant States. These were in his eyes the two vital conditions of the security and greatness of his country in Europe, of his own security and his own greatness in Europe and in his country. With the United Provinces peace was at once made, Whitelocke was sent upon his embassy to Sweden, a special treaty of commerce was negotiated with the King of Denmark, and Cromwell found himself on terms of friendship with all Protestant States of Europe. In France it was said, continues M. Guizot, that he even meditated, in the interests of Protestantism, a more vast and difficult design.

"'The Protector proposes to himself,' wrote to the Cardinal Mazarin one of his confidential agents, 'to cause the assembly of 'a council of all the Protestant communions, to re-unite them in 'one body for the common confession of one and the same faith.' Some particular facts indicate that he was, indeed, preoccupied with this idea. He was one of those persons of powerful and fertile genius in whom great designs and great temptations are born by crowds; but he applied promptly his firm good sense to his finest dreams, and never pursued farther those which did not endure that trial.

"He assumed towards the Catholic powers an attitude of complete and frigid independence, without prejudice or ill-will, but without forwardness, showing himself disposed to peace, but always leaving to be seen a glimpse of war, and carrying a rough pride into the care of the interests of his country or of his own greatness."[1]

[1] We cannot resist giving M. Guizot's text in this latter paragraph in connexion with the version of his translator. "Il prit envers les "puissances Catholiques une attitude "de complète et froide liberté,—sans "préjugé ni mauvais vouloir, mais "sans empressement, se montrant "disposé à la paix, mais laissant "toujours entrevoir la guerre, et "portant une fierté rude dans le soin "des intérêts de son pays ou de sa "propre grandeur." That is an admirable specimen of M. Guizot's style and manner in this book. We could hardly instance a better. But now observe the following: "Towards the "Catholic powers he assumed an "attitude of complete and fearless "liberty, unmarked by prejudice or

We need not pause to relate how he showed this: for one example, by treating with the King of Portugal, who was stigmatised at Madrid as an usurper, and by the simultaneous execution, for murder, of Don Pantaleon de Sā, the brother of the ambassador from Portugal. M. Guizot's very interesting narrative is full of similar and striking proof, the greater part of it quite new. France and Spain outdo each other in obsequious homage before Cromwell's intractable energy. We see each bidding higher and higher against the other for his active friendship, and Cardeñas at last eagerly offering him a subvention of not less than six hundred thousand dollars a year, "without having in London or in Flanders," wrote Mazarin to Bordeaux, "the first sou to give him if he "took them at their word. He would promise with the "same facility a million, indeed two, to get a pledge from "him, since assuredly it would not cost them more to "hold and execute one promise than the other." Mazarin, a better diplomatist, enriches *his* promises with a flowing courtesy; sends with them his wine, his tapestry, and his Barbary horses; and concedes, on the part of the young king, a rank only less than royal. Even the Prince of Condé hastens to become acceptable to the rough English soldier, and declares his belief that the people of the three kingdoms must be now at the summit of their happiness at seeing their goods and lives confided to so great a man.

"Cromwell received all these advances with the same show of good will: not that he saw them all with equal eye, or that he drifted indifferent or uncertain among allies so opposite. Unlike the Long Parliament, he inclined much more towards France than towards Spain; with a superior sagacity he had perceived that Spain was thenceforward an apathetic power, able to effect but little, and in spite of its favourable demonstrations, more hostile

"ill-will, but equally void of court-
"ship or flattery, showing himself
"disposed to maintain peace, but
"always leaving open the prospect of
"war, and watching over the inte-
"rests of his country and of his own
"family with stern and uncom-
"promising haughtiness."

than any other to Protestant England, for it was more exclusively than any other given up to the maxims and influences of the Roman Church. And at the same time that there was little to expect from Spain, she offered to the maritime ambition of England, by her vast possessions in the new world, rich and easy prey."

Accordingly, there soon followed, we need hardly remind the reader, the well-known swoop upon the King of Spain's West Indian possessions. The better half of the design failed, indeed, when the attack upon St. Domingo failed; but the seizure of Jamaica was an unquestionable prize, which Cromwell's wisdom turned at once to a noble account. The historian describes all these incidents and their consequences in a way that shows ever characteristically the personal predominance of the Protector. Up to within a few days of the declaration of war against Spain, hope has continued with Cardeñas. To even the hour of the treaty of alliance with France, fear has not quitted Mazarin. And by a free use of the very words of the men who wrote freshly and on the instant out of the midst of their diplomacy, the foreign policy of the Protectorate is thus with vivid truth and a rare freshness reproduced by M. Guizot. We may compare the mighty tread of Cromwell with the pirouettes of the statesmen opposed to him, and get no mean perception of the true hero of the day.

Of the conditions of the treaty at last concluded with France, it is not necessary that we should speak; but the jealous rigour with which Cromwell insisted on the substitution of *Rex Gallorum* for *Rex Galliæ*, is a pregnant indication of the attitude now assumed by him to the most powerful of foreign States. Never, certainly, had our English name been carried so high. "He is the greatest "and happiest prince in Europe," exclaimed young Louis Quatorze. Bound in fast treaties with all the Protestant States, allied to the most potent of Catholic Sovereigns, Montecuculi deprecating his wrath on one side as agent for the house of Austria, and on the other the Marquis of Leyden on behalf of the King of Spain, he received,

besides the foreign ministers who habitually resided at his court, ambassadors extraordinary from Sweden, Poland, Germany, and Italy, who came solemnly to present to him the overtures or homage of their masters. Pictures and medals, some nobly commemorative of his exploits, others coarsely satirical of his adversaries, were displayed in almost every town of the continent, celebrating his illustrious deeds, and humbling before them the old princes and kings. Well might one of the most considerable of the foreign agents write over to Thurloe from Brussels that "the Lord Protector's government makes England "more formidable and considerable to all nations than "it has ever been in my day."

Nor is less justice rendered by M. Guizot to what he believes to have been another of the titles of that government to esteem; and of Cromwell's patronage of literature and learned men, he speaks with due respect. Though he holds that his mind was neither naturally elegant nor richly cultivated, he can yet see that his free and liberal genius understood thoroughly the wants of the human intellect. And while M. Guizot's experience has taught him, clearly enough, that absolute power, on emerging from great social disturbances, takes its chief delight and achieves its completest triumphs in the promotion of material prosperity, still, in regard to Cromwell, he frankly admits that few despots have so carefully confined themselves within the limits of practical necessity, and allowed the human mind such a wide range of freedom. He sees in him the practical saviour of the two old Universities, and the founder of the University of Durham. He is glad to record that he offered Hobbes the post of a secretary in his household, that he continued the employment of Milton, and that he took no offence at either Selden or Casaubon, when the one declined his pension, and the other his invitation to write a history of the civil wars. He dwells with pleasure on his kindness to the learned Usher, on his desire to stand well with Cudworth and with Taylor, on his frank patronage of all the lettered

Puritans, and on the facts that Waller had a place in his court (we have evidence, since M. Guizot wrote, that he put no mean value on the poet's famous panegyric[1]), that Butler was permitted to meditate Hudibras in the house of one of his officers, and that Davenant obtained his permission to open a private theatre for performance of his comedies. He might have added that the Lord Protector had himself a taste for innocent and cheerful recreation; that he had no objection to play at Crambo, or even occasionally smoke a pipe with my Lord Commissioner Whitelocke, who also has left us a pleasant anecdote contrasting his laughter and gaiety to the soldiers with the greater impatience and reserve of Ireton; and that, in the correspondence of one of the Dutch ambassadors, there is a picture of his courteous habits on state occasions, and of the dignified and graceful conduct of his household, which far exceeds, in sober grandeur and worth, any other court circular of that age. "The music played all the "while we were at dinner," says Herr Jongestall, "and "after, the Lord Protector had us into another room,

[1] A brief but remarkable letter was brought to light the other day in which Cromwell, writing from Whitehall in 1655, tells Waller that he has no guilt upon him unless it be "to be "revenged for your soe willinglye "mistakinge mee in your verses;" and talks of putting Waller to redeem him from himself, as he had already from the world. The great Protector was not insensible to those noble and ever memorable lines. Waller had known well how to make his Panegyric most pleasing to his great kinsman's ear.

"The Sea's our own, and now all nations greet
"With bending sails each vessel in our fleet,
"Your power resounds as far as wind can blow,
"Or swelling sails upon the globe may go . . .
"Whether this portion of the world were rent
"By the wide ocean from the continent,
"Or thus created, it was sure design'd
"To be the sacred refuge of mankind.
"Hither the oppressed shall henceforth resort
"Justice to crave, and succour of your Court,
"And show your Highness not for ours alone
"But for the World's Protector shall be known . . .
"To pardon willing, and to punish loth,
"You strike with one hand, but you heal with both . . .
"Still as you rise, the State, exalted too
"Finds no distemper while 'tis changed by you—
"Changed like the World's great scene, when without noise
"The rising Sun night's vulgar lights destroys!"

" where the Lady Protectress and others came to us, and " we had also music and voices."

To these graces of his private life, and to his domestic love and tenderness, which even his worst enemies have admitted, M. Guizot is of course not slow to pay tribute; but on one point he has suffered himself to be strangely misled. He gravely mentions Cromwell's infidelity to his wife, as if it were an admitted fact, and not a mere royalist slander; and he seems to think that some complaints of her own remain in proof of a well-founded jealousy. Jealousy there may be, in the solitary letter of this excellent woman which has descended to us; but it is the jealousy only of a gentle and sensitive nature, shrinking from the least ruffle or breath of doubt that can come between itself and the beloved. " My dearest," she writes, " I wonder you should blame me for writing no " oftener, when I have sent three for one: I cannot but " think they are miscarried. Truly, if I know my own " heart, I should as soon neglect myself as to omit the " least thought towards you, when in doing it I must do " it to myself. But when I do write, my dear, I seldom " have any satisfactory answer, which makes me think my " writing is slighted; as well it may; but I cannot but " think your love covers my weakness and infirmities. " Truly my life is but half a life in your absence." That is not the writing of a woman jealous of anything but the share of her husband's time and care which public affairs steal from her. Most touching, too, is a letter of his own of nearly the same date, written to her from the very midst of the toils and perils of Dunbar; in which he tells her that truly, if he does not love her *too* well, he thinks he errs not on the other hand much, and assures her that she is dearer to him than any creature. Let M. Guizot be well assured that he has here fallen into error.

Of another error into which he has fallen, also connected with the domesticities of Cromwell, we have now, in conclusion, to speak in somewhat more detail. It touches an interesting point in Cromwell's history, and we are happy

to be able to remove all further doubt respecting it. By none who have yet written on the subject has it been stated correctly.

Five sons were born to Cromwell, of whom the youngest, James, born in 1632, certainly died in his infancy, and the eldest, Robert, born in 1621, is supposed in all the biographies not to have survived his childhood. The second son, Oliver, born in 1623, grew to manhood, and his name is to be found enrolled as a cornet in the eighth troop of what was called "Earl Bedford's Horse." He was killed in battle, but in our opinion certainly not so early as appears to be fixed by Mr. Carlyle, who accepts an allusion in a letter of his father's written after Marston Moor, as referring to this loss, which we are about to show might have had quite another reference. Be this as it may, however, all the biographers up to this time have agreed in regard to the eldest, Robert, that what is comprised in Mr. Carlyle's curt notice, "*Named for his grand-father. No further account of him. Died before ripe years,*" —must be taken to express whatever now can be known. Cromwell's only distinct reference to any of his sons while yet in tender years, is contained in a letter addressed to his cousin, Oliver St. John's wife, while she was staying with his friend and relative Sir William Masham, at Otes in Essex; and Mr. Carlyle connects the reference in this letter with the fact that some two or three of Cromwell's sons were certainly educated at the neighbouring public school of Felsted, where their maternal grandfather had his country-seat. But the allusion surely relates specifically to one son, who appears to have been either staying with the Mashams at the time, or the object of some particular care and sympathy on their part. "Salute all "my friends in that family whereof you are yet a member. "I am much bound unto them for their love. I bless the "Lord for them! and that my son, by their procurement, "is so well. Let him have your prayers, your counsel."

Such was the amount of existing information, respecting the two eldest sons of Cromwell, when the biographer of

the *Statesmen of the Commonwealth* reproduced from one of the king's pamphlets in the British Museum, a very striking account of the death-bed of the Lord Protector, written by a groom of the chamber in waiting on him. In this, Cromwell was represented calling for his Bible, and desiring those verses from the fourth chapter of the Epistle to the Philippians to be read to him, in which the Apostle speaks of having learned in whatever state he was therewith to be content, for he could do all things through Christ which strengthened him. "Which read," (the account proceeded) "said he, to use his own words as "near as I can remember them, *This scripture did once* "*save my life; when my eldest son died; which went as a* "*dagger to my heart: indeed it did.*" Naturally enough, this affecting passage was supposed by the writer who reproduced it to relate to his son's death in battle, and Mr. Carlyle arrived also at the same conclusion so confidently, that after "eldest son" he put in "poor Oliver" in reprinting it, at the same time carefully marking the words as an insertion. M. Guizot, however, has gone two steps further, and printed the passage thus: "Ce texte, dit-il, m'a "sauvé une fois la vie, quand mon fils aîné, *mon pauvre* "*Olivier, fut tué,* ce qui me perça le cœur comme un poig-"nard." In making this change without the least authority, M. Guizot marked unconsciously the weak point in the supposition he had adopted from others, and on which he was himself too confidently proceeding. If the Protector had really intended his allusion for the son who had been slain in battle, would he not, in place of the simple expression "when my eldest son died," more probably have said just exactly what M. Guizot has thought it necessary to say for him?

We are now in a position to prove that the allusion was not to Oliver, but to Robert; that Robert lived till his nineteenth year; that he was buried at Felsted within seven months of the date of the letter containing the allusion to the kindness of the Mashams respecting him; and that his youth had inspired such promise of a future

as might well justify the place in his father's heart kept sacred to his memory as long as life remained. In the register of burials in the parish church of Felsted, under the year 1639, is the following entry: "Robertus Crom- "well filius honorandi viri M^tis Oliveris Cromwell et "Elizabethæ uxoris ejus sepultus fuit 31° die Maii. Et "Robertus fuit eximiè pius juvènis deum timens supra "multos."[1] Which remarkable addition to a simple mention of burial, we need hardly point out as of extremely rare occurrence on that most formal of all the pages of history—a leaf of the parish register; where to be born and to die is all that can in justice be conceded to either rich or poor. The friend who examined the original for us could find no other instance in the volume of a deviation from the strict rule. Among all the fathers, sons, and brothers crowded into its records of birth and death, the only *vir honorandus* is the puritan squire of Huntingdon. The name of the vicar of Felsted in 1639 was Wharton; this entry is in his handwriting, and has his signature appended to it; and let it henceforward be remembered as his distinction, that long before Cromwell's name was famous beyond his native county, he had appeared to this incumbent of a small Essex parish as a man to be honoured.

The tribute to the youth who passed so early away, uncouthly expressed as it is, takes a deep and mournful significance from the words which lingered last on the dying lips of his heroic father. If Heaven had but spared all that gentle and noble promise which represented once the eldest son and successor of Cromwell's

[1] This entry has been more than once carefully examined, and is here printed *verbatim et literatim*, as it stands in the register. The word denoted by the contraction M^tis is "Militis," in the sense of esquire, or arm-bearing gentleman, and there are some rare examples of its use with this meaning before a proper name. "*Ritter* and *Miles*, says Selden "(*Titles of Honour*, lvi.), often sig- "nify in the old feudal law of the "Empire, a gentleman, as the word "gentleman is signified in *nobilis*, "and not a dubbed knight; as with "us in England the word *milites* de- "notes gentlemen, or great free- "holders of the country also."

name, the sceptre then falling might have found a hand to grasp and sustain it, and the history of England taken quite another course. The sad and sorry substitute—is it not written in M. Guizot's narrative of the Protectorate of Richard Cromwell?

END OF VOL. I.

BRADBURY AND EVANS, PRINTERS, WHITEFRIARS.

Mr Livingston first stated that the Committee had
to consider the memorial of the Inhabitants
of Stockbridge praying for a grant of land
in the Western part of the State of New York
Mr Hughes & Mr Sedgwick appeared for the petitioners
and Mr Duane & Mr Boudinot for the Commissioners
of the State of New York

A Motion of the Committee to consider the
petition of Stockbridge praying for a grant of land
in the Western part of the State of New York
was seconded & passed in the negative

Mr Livingston moved to amend the motion by striking out
the words "Western part of the State of New York"
& inserting the words "Country of the Six Nations"
which

April 12 1691

Mr Tompkins took bill of attainder to be read for the 3d time & Urban Baldwin not to lay bill before the Lords & the question was to proceed by bill - put for the Conference was.

A motion was made that the motion for a Conference & ... Mr Hunter was to speak with Co for him & Mr Harrison & Mr Walker & Mr Randolph & Mr Bland & Mr Eppes & Mr Jones & Mr Bland & Mr Eppes & Mr Jones & Mr Bland & Mr Eppes & Mr Jones

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Digitized with financial assistance from the
Government of Maharashtra
on 13 February, 2016